IMT Nuremberg Archives

H – 1112

International Court of Justice

H1112 - 0002

INDEX OF DOCUMENTS - SUPPLEMENTAL TRIAL BRIEF AND DOCUMENT BOOK ON SUPPRESSION OF CHRISTIAN CHURCHES IN GERMANY AND IN THE OCCUPIED TERRITORIES

Document No.	Description of Document	Page Number of Brief
D-84 (USA Exh.236)	Gestapo Instructions to State Police Departments regarding protective custody for Bible students, August 5, 1937.	9
EC-68 (USA Exh.205)	Regulations by Minister for Finance and Economy of Baden on treatment of foreign farm workers of Polish nationality, March 6, 1941	--
998-PS	Czechoslovak official report for the Prosecution and Trial of the Major German War Criminals, September, 1945	11
1458-A-PS	Schirach, Die Hitler Jugend Idee und Gestalt (The Hitler Youth, Idea and Formation).	6
1997-PS (USA Exh.319)	Decree appointing Rosenberg as Reich Minister for the Occupied Eastern Territories, 17 July 1941.	11
2403-PS	Dokumente der Deutscher Politik (Document of German Politics) Volume I.	7
2456-PS	Handbuch des Gesamten Jugendrechts (Handbook of Youth Laws), Chapter G, p. 22, Decree of Reichs Youth Leader.	--
2851-PS (USA Exh.6)	Statement by Rosenberg	--
2910-PS (USA Exh.17)	Statement by Seyss-Inquart	--
2928-PS	Affidavit of Matthias Lex	9
2972-PS (USA Exh.19)	Statement by von Neurath	--
2973-PS (USA Exh.14)	Statement by von Schirach	--
2978-PS (USA Exh.8)	Statement by Frick	--
2979-PS (USA Exh.7)	Statement by Frank	--
3261-PS	Verbal Note of the Secretariate of State of His Holiness, to the German Embassy, dated January 18, 1942	9
3262-PS	Report of His Excellency, the Most Reverend Cesare Orsenigo, Papal Nuncio in Germany to His Eminence the Cardinal Secretary of State of His Holiness, June 27, 1942.	14
3263-PS	Memorandum of Secretariate of State to German Embassy regarding the situation in the Warthegau, October 8, 1942.	12
3264-PS	Note of His Eminence the Cardinal Secretary of State to the Foreign Minister of the Reich about the religious situation in the Warthegau and in the other Polish provinces subject to Germany, March 2, 1943.	14

Document No.	Description of Document	Page Number of Brief
3265-PS	Letter of His Eminence the Cardinal Secretary of State to the Cardinal Archbishop of Breslau, November 18, 1942	13
3266-PS	Letter of Cardinal Bertram, Archbishop of Breslau to the Papal Secretary of State, December 7, 1942.	13, 15
3267-PS	Verbal Note of the German Embassy to the Holy See to the Secretariate of State of His Holiness, August 29, 1941.	8
3268-PS (USA Exh.356)	Allocution of His Holiness Pope Pius XII, to the Sacred College, June 2, 1945.	16, 17
3269-PS	Correspondence, April 17, May 5, May 25, and July 20, 1943, between the Holy See, the Apostolic Nuncio in Berlin, and the defendant von Ribbentrop, Reich Minister of Foreign Affairs	15
3272-PS	Statement of Rupert Mayer, October 13, 1945.	9
3273-PS	Statement of Lutheran Pastor, Friederich Kaufmann Salzburg, October 23, 1945.	10
3274-PS	Pastoral Letter of Austrian Bishops, October 4, 1945.	11
3278-PS	Report on the fighting of National Socialism in the Apostolic Administration of Innsbruck-Feldkirch of Tyrol and the Vorarlberg by Bishop Paulus Rusch, June 27, 1945, and attached list of Church institutions there which were closed, confiscated or suppressed.	10
3279-PS	Extract from Charge No. 17 against Hans Frank submitted by the Polish Government to the International Military Tribunal.	16
3280-PS	Excerpt from Papal Encyclical "Mit Brennender Sorge", set forth in Appendix II, page 524, of "The Persecution of the Catholic Church in the Third Reich", Burns, Oates and Washbourne, Ltd., London 42.	8
3280-A-PS	Concordat between the Holy See and the German Reich, Reichsgesetzblatt, Part II p. 679 translation appearing in Appendix I, pages 516-522, incl., of "The Persecution of the Catholic Church in the Third Reich", Burns, Oates and Washbourne Ltd., London, 1942.	6
3387-PS	Hitler Reichstag Speech, 23 March 1933, quoted in Voelkischer Beobachter, 24 March 1933.	3
3389-PS	Fulda Declaration of 28 March 1933, Voelkischer Beobachter, 29 March 1933.	7
3433-PS	Gesetz ueber die Verfassung der Deutschen Evangelischen Kirche (Law concerning the Constitution of the German Evangelical Church), July 14, 1933.	4
3434-PS	Gesetz ueber das Beschussverfahren in Rechtsangelegenheiten der Evangelischen Kirche (Law concerning procedure for decision in legal affairs of the Evangelical Church), June 26, 1935.	4

H1112-0003

H1112 - 0004

Document No.	Description of Document	Page Number of Brief
3435-PS	Erste Verordnung zur Durchfuehrung des Gesetzes ueber das Beschluss-verfahren in Rechtsangelegenheiten der Evangelischen Kirche (First Ordinance for Execution of the Law concerning procedure for decisions in legal affairs of the Evangelical Church), July 3, 1935.	4
3436-PS	Gesetz zur Sicherung der Deutschen Evangelischen Kirche (Law for the Safeguarding of the German Evangelical Church), September 24, 1935.	4
3437-PS	Fuenfte Verordnung zur Durchfuehrung des Gesetzes zur Sicherung der Deutschen Evangelischen Kirche (Fifth decree for execution of the law for the Safeguarding of the German Evangelical Church), December 2, 1935.	4
3439-PS	Fuenfzehnte Verordnung zur Durchfuehrung des Gesetzes zur Sicherung der Deutschen Evangelischen Kirche (Fifteenth decree for the Execution of the Law for Security of the German Evangelical Church), June 25, 1937.	5
3466-PS	Erlass ueber die Zusammenfassung der Zustaendigkeiten des Reichs und Praussens in Kirchenangelegenheiten (Decree to unite the competences of Reich and Prussia in Church affairs), July 16, 1935.	4
3560-PS	Decree concerning the Organization and Administration of the Eastern Territories, October 8, 1939.	--
3561-PS	Decree concerning the Occupied Polish Territories, October 12, 1939.	--
R-103 (USA Exh.204)	Letter from Polish Main Committee to General Government of Poland on situation of Poles in the Reich, May 17, 1944.	--

H1112 – 0005

TRANSLATION OF DOCUMENT D-84
OFFICE OF US CHIEF OF COUNSEL

SECRET STATE POLICE.
SECRET STATE POLICE DEPARTMENT.
II B 2 - 1286/37S.

Berlin,
5 August 1937.

To all leading State Police Departments and State Police Departments.

For information:- Government Presidents and Government Vice-Presidents in Prussia and the Ministeries of the Interior and all regions except Prussia.

Reference:- Protective Custody for Bible Students. (Translator's note:- lit "Bibelforschers" - members of a Biblical Society.

Sub-Ref:- Nil.

Thr Reichs Minister of Justice had informed me that he does not share the opinion voiced by subordinate departments on various occasions, according to which, the arrest of the Bibelforschers after they have served a sentence, is supposed to jeopardise the authority of the Law Courts. He is fully aware of the necessity for measures by the State Police after the sentence has been served. He asks, however, not to bring the Bibelforschers into protective custody under circumstances detrimental to the respect of the law courts.

The Reichs Minister of Justice has instructed his subordinate departments in this connection that protective custody for Bibelforschers, when this has been decreed after the serving of a sentence or after the cancellation of an arrest order, will no longer be carried out in convict prisons which are under the administration of the Courts. At the same time, following my suggestion, he has instructed the departments concerned with the carrying out of the sentences, to notify the appropriate State Police Department of the impending discharge of Bibelforschers under sentence one month before they are discharged. Accordingly I order:-

1) If a Bibelforscher has been acquitted as the result of a trial, or if part of the sentence is remitted because of remand, an arrest in court under my circular decree dated 22.4.37 - II B 2/326/37 S - will not, for the time being, be carried out.
2) If information regarding the impending release of a Bibelforscher from arrest is received from the authorities carrying out the sentence, my decision regarding the ordering of measures by the State Police, will be asked for in accordance with my circular decree dated 22.4.37, so that transfer to a concentration camp can take place immediately after the sentence has been served. Should a transfer into a concentration camp immediately after the serving of the sentence not be possible, Bibelforschers will be detained in police prisons.

In each case immediate report must be made.

per pro Müller.

Certified
(Sgd) (Signature)
Office Employee.

OoOoOoOoOoOoOoOoOoO

Secret State Police,
Secret State Police Department,
Dusseldorf.
II B/80,20/2119/I.B.V.

Düsseldorf
23 August 1937

A copy is attached for your information and observation.
The contents of the circular decree dated 22.IV.1937 - II B 2 - 326/37-S- quoted under (1) have been notified by circular letter dated 12.V.1937 - II B/1035/37/80.20/I.B.V.

H1112 -0006

Appendix for the information of Sub-prefects:

Prints for the information of the Burgomasters are attached herewith.

(signed) Kanstein.

Certified correct

(signed) Ramme,

Police Office Assistant,

To the Service Departments, the Sub-prefects, the Police Administration Departments at Neuss and Viersen, and II D in this building.

For correctness of the copy

(signed) Berson,

Employee.

H1112-0007

COPY

SECRET STATE POLICE

DUSSELDORF, 27 Apr 39

STATE POLICE DEAPRTMENT
DUSSELDORF
II B 2119/37/80.20/JBV:

Reference: Protective Custody for Bibelforschers.

Subject: Reference my circular decree 15 Dec 37, file reference as above.

Bibelforschers have recently been released from detention after having served a sentence without an appropriate decision having been applied for from this department. I therefore draw your attention once more to my circular decree dated 12 May 37 - II B. 1035/38/80, 20/JBV - and that dated 23 Aug 37 - II B.80,20/2119/JBV - and, in accition, point out the following.

1. In principle, all Bibelforschers are to be taken into protective custody after having served a sentence. Application for protective custody together with necessary details to be made to Service Department II D.

2. If, for exceptional reasons, Bibelforschers are to be released after having served their sentence, a detailed report giving the reasons for this, if necessary with the relative documents, is to be handed to Service Department II B, which will then report to Gestapo accordingly. If no instructions have been received on such a case on the day of the completion of the sentence, these Bibelforschers are to be taken into protective custody for the time being; further instructions will be awaited, since the Gestapo, as is apparent from the contents of the circular decree referred to above, has reserved itself the exclusive decision on the release of Bibelforschers who have served their sentence.

Para 2 of the above will apply even where the Bibelforschers have made convincing statements to the effect that they will not in future be active, or even where they have signed a document to that effect.

I request that the above directives are observed.

Appendix for information of Sub-prefects.

Additional prints for the Burgomaster's attention.

(signed) Sommer.

Certified: Signature

Police Office Assistant

To the State Police Service Departments.
Sub-Prefects of the Districts.
Police Administration, Neuss and Viersen.

H1112-0008

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. D-84

27 November 1945.

I, H. W. FRANK, Capt, British Army, 337475, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document No. D-84.

H. W. FRANK
Capt, British Army,
337475.

OFFICE OF U. S. CHIEF OF COUNSEL
TRANSLATION OF DOCUMENT EC-68

H1112-0009

49-7 III B 5 C (in pencil)

Copy

Minister for Finance and Economy of Baden

Karlsruhe, 6 March 1941

State Food Office Dept. A.

(State Peasants Association)
(Landesbauernschaft)

Confidential

To all District Peasants Association
(Kreisbauernschaften)

Only for Official Business

Subject: Directives on the treatment of foreign farmworkers of Polish Nationality

The agencies of the Reich Food Administration (Reichsnaehrstand) - State Peasant Association of Baden have received the result of the negotiations with the Higher SS and Police officer in Stuttgart on 14 February 1941, with great satisfaction. Appropriate memoranda have already been turned over to the District Peasants Associations. Below, I promulgate the individual regulations, as they have been laid down during the conference and how they are now to be applied accordingly:

1. Fundamentally, farmworkers of Polish nationality no longer have the right to complain, and thus no complaints may be accepted any more by any official agency.

2. The farmworkers of Polish nationality may not leave the localities in which they are employed, and have a curfew from 1 Oct. to 31 March from 2000 hours to 0600 hours, and from 1 Apr. to 30 Sep. from 2100 hours to 0500 hours.

3. The use of bicycles is strictly prohibited. Exceptions are possible, for riding to the place of work in the field, if a relative of the employer or the employer himself is present.

4. The visit of churches, regardless of faith, is strictly prohibited, even when there is no service in progress. Individual spiritual care by clergymen outside of the church is permitted.

5. Visits to theaters, motion pictures or other cultural entertainment are strictly prohibited for farmworkers of Polish nationality.

6. The visit of restaurants is strictly prohibited to farmworkers of Polish nationality except for one restaurant in the village, which will be selected by the Rural Councillor's Office (Landratsamt), and then only one day per week. The day, which is determined as the day to visit the restaurant, will also be determinedby the Landratsamt. This regulation does not change the curfew regulation, mentioned above under no. 2.

7. Sexual intercourse with women and girls is strictly prohibited, and wherever it is established, it must be reported.

8. Gatherings of farmworkers of Polish nationality after work is prohibited, whether it is on other farms, in the stables or in the living quarters of the Poles.

9. The use of railroads, buses or other public conveyances by farmworkers of Polish nationality is prohibited.

10. Permits to leave the village may only be granted in very exceptional cases, by the local police authority (mayor's office). However, in no case may it be granted if he wants to visit a public agency on his own, whether it is a labor office or the District Peasants Association or whether he wants to change his place of employment.

11. Arbitrary change of employment is strictly prohibited. The farmworkers of Polish nationality have to work daily so long as the interests of the enterprise demands it, and as it is demanded by the employer. There are no time limits to the working time.

12. Every employer has the right to give corporal punishment toward farmworkers of Polish nationality, if instructions and good words fail. The employer may not be held accountable in any such case by an official agency.

13. Farmworkers of Polish nationality should if possible be removed from the community of the home, and they can be quartered in stables etc. No remorse whatever should restrict such action.

14. Report to the authorities is compulsory in all cases, when crimes have been committed by farmworkers of Polish nationality, which are to sabotage the enterprise or slow down work, for instance unwillingness to work, impertinent behaviour; it is compulsory even in minor cases. An employer, who loses his Pole who must serve a longer prison sentence because of such a compulsory report, will receive another Pole from the competent labor office on request with preference.

15. In all other cases, only the state police is still competent.

For the employer himself, severe punishment is contemplated, if it is established that the necessary distance from farmworkers of Polish nationality has not been kept. The same applies to women and girls. Extra rations are strictly prohibited. Noncompliance of the Reich tariffs for farmworkers of Polish nationality will be punished by the competent labor office by the taking away of the worker.

H1112-0010

In any case of doubt, the State Peasants Association - I B will give information.

Forwarding in writing of the above agreement to the farm-workers of Polish nationality is strictly prohibited.

These regulations do not apply to Poles who are still prisoners of war and are thus subordinated to the armed forces. In this case, the regulations published by the armed forces apply.

Heil Hitler!

By Order

/s/ Dr. KLOTZ

H1112-0011

- -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. EC-68

27 November 1945

I, WILLARD EVANS SKIDMORE, Lt. (j.g.) USNR 391590, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. EC-68.

WILLARD EVANS SKIDMORE
Lt. (j.g.) USNR
391590

DOCUMENT NO. 998-PS
OFFICE OF U.S. CHIEF OF COUNSEL

GERMAN CRIMES
AGAINST
CZECHOSLOVAKIA

H1112-0012

Czechoslovak Official Report for the persecution and trial of the German Major War Criminals by the International Military Tribunal established according to the Agreement of the Four Great Powers of

August 8th, 1945

London, September, 1945

Pp.60-63:

(5) Religious Persecution.

The suppression of religious liberties in Czechoslovakia and of the educational and national function of the Church is typical of what the Nazis wished to enforce as a rule of darkness over the whole of Europe.

(a) Catholic Church.

The maltreatment of the Roman Catholic priests was very severe. In the areas annexed to Germany after Munich a number of priests of Czech origin were robbed of their property and expelled. A wave of persecution began with the occupation of Bohemia and Moravia. Pilgrimages to the National shrines were prohibited in 1939. At the outbreak of war, 487 Catholic priests were among the thousands of Czech patriots arrested and sent to concentration camps as hostages. Venerable high ecclesiastical dignitaries were dragged to concentration camps in Germany. It was a common sight on the roads near to the concentration camps to see a priest dressed in rags, exhausted, pulling a cart and behind him a youth in SA uniform, whip in hand. Religious orders were dissolved and liquidated, their charitable institutions closed down and their members expelled or else forced to compulsory labor in Germany. All religious instruction in Czech schools was suppressed. Most of the weeklies and monthlies which the Catholics had published in Czechoslovakia, had been suppressed from the very

beginning of the occupation. The Catholic gymnatic organization "Orel" with 800,000 members was dissolved and its property was confiscated. To a great extent Catholic church property was seized for the benefit of the Reich.

(b) Czechoslovak National Church.

The Czechoslovak National Church was persecuted because of its very name, because of its Hussite sympathies and democratic constitution and because of its connection with the establishment of the Czechoslovak Republic. The Czechoslovak Church in Slovakia was entirely prohibited and its property confiscated under German compulsion in 1940. It has been allowed to exist in Bohemia and Moravia but in a crippled form under the name of the Czecho-Moravian Church.

(c) Protestant Churches.

The Protestant Chruches were deprived of freedom of preach and gospel. German secret state police watched closely whether the clergy observed the restrictions imposed on it. Nazi censorship went so far as to suppress hymns that praised God for the nation's liberation from the hands of the enemy. Some passages from the Bible were not allowed to be read in public at all; the Nazis strongly objected to some christian doctrine being promulgated from the pulpit, e.g. those about the equality of all men before God, the universal character of the church of Christ, the Judaistic origins of the gospel, etc.

Reference to HUS, ZIZKA, and the Hussites and their achievements as well as to MASARYK and his Legions was strictly prohibited, even the religious text books were changed. Church leaders were especially persecuted, scores of ministers were imprisoned in concentration camps, among them the General Secretary of the Students' Christian Movement in Czechoslovakia. One of the Vice-Presidents was executed.

Protestant Institutions such as the YMCA and the YWCA were suppressed throughout the country.

Among the murdered Czech ministers was a pastor of the Czech Brethren Evangelical Church, who was killed with his wife among the hostages executed for the assassination of HEYDRICH.

The leading Theological School for all Evangelical denominations, HUS Faculty in Prague and all other Protestant training schools for the ministry were closed down in November 1939, with the other Czech universities and colleges.

H1112-0014

(d) Czech Orthodox Church.

The hardest blow was directed against the Czech Orthodox Church. The Orthodox churches in Czechoslovakia were ordered by the Berlin Ministry of Church Affairs to leave the Pontificat of Belgrade and Constantinople respectively and to become subordinate to the Berlin Bishop. The Czech Bishop GORAZD was executed together with two other priests of the Orthodox Church. By a special order of the Protector DALUEGL, issued in September 1942, the Orthodox Church of Serbian Constantinople jurisdiction was completely dissolved in the Czech lands, its religious activity forbidden and its property confiscated.

All Evangelical education was handed over to the civil authorities and many Evangelical teachers lost their employment; moreover the State grant to salaries of many Evangelical priests was taken away.

(e) Jews.

The racial persecution of the Jews is dealt with separately (Section IV).

In connection with religious persecutions, we may mention the statement of K. H. FRANK, made on June 11, 1945 when interrogated by Col. Dr. ECER at Wiesbaden.- FRANK stated that in November 1938 the Jewish places of worship in the "Sudeten" province were torn down by express order of the Party, i.e. the Party Chancellery of Munich at the head of which at that time was Rudolf HESS, and in the Autumn of 1941 it was HEYDRICH who ordered all synagogues to be closed, because "they had served as

H1112-0015

meeting places for aggressive Jewish elements." Many synagogues were demolished, others transformed into marketing halls or into auction halls for the sale of confiscated Jewish furniture and household goods.

PARTIAL TRANSLATION OF
DOCUMENT NO. 1458a-PS
OFFICE OF U.S. CHIEF OF COUNSEL

H1112-0016

DIE HITLER JUGEND, IDEE UND GESTALT

Baldur von Schirach

Chapter 3

(pp. 38 to 40)

Hitler Youth and Confessional Youth

Towards the end of 1933 discussion about the eventual incorporation of the evangelical youth took place between the newly appointed Reichs Bishop Ludwig Mueller and myself. With great satisfaction we from the HJ could ascertain that the Reichs Bishop was fundamentally ready to lead the members of the evangelical youth leagues into the HJ, a point of view which differed somewhat from that of the chairman of the Young Men's Protestant Work (Evangelisches Jungmännerwerk), Dr. Stange. Dr. Stange actually tried to interfere with this new development against the will of the majority of his followers, but without success. And in December 1933 the Reichs Bishop and myself were able to inform the Fuehrer that incorporation of the protestant youth into the HJ had become a reality.

Through the agreement with the Reichs Bishop the HJ (Hitler Youth) believes to have shown the way by which a later understanding with the Catholic Youth Leagues also would be possible. By this agreement evangelical youth organizations in the old sense, that is leagues, which overlap the activities of the HJ are no longer in existence. As spiritual communities the Protestant (p. 39) groups continue to live in their innate field, namely that of the Protestant creed. The HJ (Hitler Youth) guarantees their protestant members a certain evening each week for their confessional, religious activities. The agreement with the Reichs Bishop follows verbatim:

1) The Protestant Youth Work (Evangelisches Jungendwerk) recognizes the unified state political education of German youth by the National Socialist State and the HJ (Hitler

Youth) as representatives of the philosophy of the State.

The youth of the Protestant youth Work (Evangelischer Jungendwerk) below 18 years of age is to be incorporated into the Hitler Youth and its subordinated branches.

Anyone within this age group who does not become a member of the HJ, from now on shall not be a member of the Protestant Youth Work (Evangelisches Jugendwerk).

2) Education in regard to open air sports (including gymnastics and sports) and in regard to state politics, up to 18 years of age, shall take place only within the HJ.

3) All members of the Protestant Youth Work (Evangelisches Jugendwerk) shall wear the official uniform of the Hitler Youth according to their membership in the HJ.

According to this agreement the Protestant youth was incorporated into the Hitler Youth. With very few exceptions the young followers of the Reichs Bishop were glad to be freed from the inner struggle of the past months. (p. 40) The Reichs Bishop acted like a true spiritual advisor of this young community when he, by this agreement, opened for them the doors to the HJ and thus the doors to the people and the State.

H1112-0017

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 1458a-PS

18 November 1945.

I, GOETZ MAYER, T/Sgt, AUS, 33,812,169, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document 1458a-PS.

GOETZ MAYER
T/St, AUS
33,812,169

PARTIAL TRANSLATION OF DOCUMENT 1997-PS
OFFICE OF U S CHIEF OF COUNSEL

H1112 - 0018

Copy of RK. 10714 B.

Decree of the Führer

concerning the administration of the newly-occupied Eastern territories.
dated the 17 July 1941.

In order to restore and maintain public order and public life in the newly-occupied Eastern territories I decree that:

Article 1.

As soon as the military operations in the newly-occupied territories are over, the adminstration of these territories shall be transferred from the military establishments to the civil-administration establishments. I shall from time to time determine by special decree, the territories which according to this are to be transferred to the civil administration, and the time when this is to take place.

Article 2.

The Civil Administration in the newly occupied Eastern territories, where these territories are not included in the administration of the territories bordering on the Reich or the General government, is subject to the "Reich Minister for the Occupied Eastern territories."

Article 3.

Military sovereign rights and powers are exercised by the commanders of the Armed Forces in the newly-occupied Eastern territories in accordance with my decree of 25 June 1941.

The powers of the Commissioner for the 4-year plan in the newly-occupied Eastern territories, according to my decree of 29 June 1941, and those of the Reichsführer SS and Chief of the German Police according to my decree of 17 July 1941, are subject to special ruling, and are not effected by the following regulations.

Article 4.

I appoint Reichsleiter Alfred Rosenberg as Reich Minister for the Occupied Eastern Territories. He will hold office in Berlin.

Article 5.

The parts of the newly-occupied Eastern territories which are subject to the Reich Minister for the Occupied Eastern Territories are to be divided into Reich Commissariats, which are to be divided into General Regions (Generalbezirke) and these again into District Areas (Kreisgebiete). Several "Kreisgebiete" can be joined into a Main Region (Hauptbezirk). The Reich Minister for the Occupied Eastern Territories will issue more detailed instructions on this subject.

Article 6.

At the head of each Reich Commissariat will be a Reich Commissar; at the head of each General Region a Commissar-General and at the head of every District Area an Area Commissar (Gebietskommissar). Where a Main Region is formed, there will be a Head-Commissar (Hauptkommissar) in charge.

The Reich Commissars and the Commissar-Generals will be appointed by me, the heads of the main sections in the bureaux of the Reich Commissars,

as well as the Head Commissars and District Commissars will be appointed by the Reich Minister for the Occupied Eastern Territories.

Article 7.

In cases where Article 3 is not applicable, the Reich Commissars will be responsible to the Reich Minister for the Occupied Eastern Territories, and will receive instructions exclusively from him.

Article 8.

It is the responsibility of the Reich Minister for the Occupied Eastern Territories to legislate for the newly occupied territories under his jurisdiction. He can delegate the legislative power to the Reich Commissars.

Article 9.

As regards civil affairs, the Reich Commissars are responsible for the whole administration of their territory.

As long as military operations are in progress, it is the duty of the highest competent authorities of the Reich to guarantee railway and postal services in accordance with the instructions of the Chief of Supreme Command of the Armed Forces. Further ruling will remain pending until the time the military operations cease.

Article 10.

In order that the measures taken by the Reich Minister for the occupied Eastern Territories or by the Reich Commissars in their areas may be brought into harmony with the over-all (übergeordnete) aspects of the interests of the Reich, the Reich Minister for the Occupied Eastern Territories will maintain close liaison with the highest Reich authorities. In differences of opinion which cannot be settled by direct negotiations, my decision is to be obtained through the Reich Minister and Chief of the Reich Chancellory.

Article 11.

The necessary regulations for carrying out and supplementing this decree will be issued by the Reich Minister for the occupied Eastern Territories in agreement with the Reich Minister and Chief of the Reich Chancellory.

Führer's Headquarters, 17 July 1941

The Führer
Signed: Adolf Hitler

(L.S.)

Chief of Supreme Command
of the Armed Forces

Signed: Keitel

Reich Minister and Chief of the Reich Chancery

Signed: Dr. Lammers.

H1112 - 0019

CERTIFICATE OF PARTIAL TRANSLATION
OF DOCUMENT NO. 1997-PS

I, BETTY D. RICHARDSON, P/O, W.R.N.S., 66370, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct partial translation of Document No. 1997-PS.

BETTY D. RICHARDSON
P/O, W.R.N.S., 66370

H1112 - 0020

PARTIAL TRANSLATION OF DOCUMENT NO. 2403-
OFFICE OF US CHIEF OF COUNSEL

"DOCUMENTS OF GERMAN POLITICS"

(Dokemente der deutschen Politik)

H1112-0021

Vol. 1, Page 55, and 1st paragraph of page 56.

C. The End of the Party State.

Between the 27th of February and the 14th of July 1933, the Party State was finally eliminated in Germany. Hence, an event of gigantic historical importance took place during these four and one half months.

The blow of the Communist Party for which the Reichstag fire was to be a signal, has backfired on its originators. Already during the night of the 27th to the 28th of February the organization of the Communist party was completely smashed(1)

(1) Note at bottom of page "See page 18ff"

On 9 March, the Reich Minister of the Interior, Frick, had already announced that the Communists would prevented from participating in the session of parliament at the opening of the Reichstag on March 21st because of their being more usefully occupied. The preliminary law concerning the incorporation of the lands (Länder) into the Reich of 31st March 1933 (See Doc. 62) legalized the elimination of the Communists as representives of the German people which had already been carried out in practice. On the 26th of May 1933, the law concerning the confiscation of pr perty of the Communists (Doc. 23) has dealt the final legislative blow to German Communism.

While political organizations were broken up or disintegrated, their supporters wavered back and forth seeking shelter here and there, for instance in individual cases in the "STAHLHELM" and in the German National "Kampfringe". Because of these conditions, the German National "Kampfringe" were dissolved on June 21st, 1933. The "Stahlhelm" prohibited in its formations "any party membership other than that of the NSDAP" according to the agreement of June 21st, 1933 (Doc 34). Numerous restraints had already been imposed on the activities of the Social Democratic Party by the measures of February 28. The backbone of the party was broken by the occupation of the buildings of the trade unions and the smashing of the Free trade unions on May 2, 1933 (Doc. 55). A decree of the Prussion Minister of the Interior concerning the prohibition of activities of the Social Democratic Party of Germany was issued on June 22, 1933 (Doc 25). The orderfor safeguarding the state leadership of July 7, 1933 (Doc. 30) annuls the mandates of the Social Democratic Party in German public coporations. The law concerning the confiscation of the property of the enemies of people and State of July 14, 1933, extended the provisions of the law concerning the confiscation of Communistic Property to the property of the Social Democratic Party and other organizations inimical to the State.

On June 27, 1933, the German National People's Party decided its dissolution "in recognition of the fact that the party state had succumbed", after an agreement with the Reich Chancellor (Doc 26). On July 4, 1933, the party chairman of the German People's Party, Dingeldey, announced the dissolution of his party (Doc. 28).

Also the parties of German catholicism, which were supposed to be most deeply rooted, had to bow to the law of the new order. On July 4, 1933, the Bavarian People's Party (Doc 27) and on July 5, 1933, the Center Party (Doc 29) published an announcement of their dissolution.

The law against the recreation of parties of July 14, 1933 (Doc.31) concluded the liquidation of the Party State. Only recreation of parties was thereby prevented. A new epoch of German history began which was founded on the inseparable association of the State and the one party and movement of the NSDAP.

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CERTIFICATE OF TRANSLATION (Partial)
OF DOCUMENT NO. 2403-PS

11 November 1945

I, WALTER R. SELIGSON, 1st Lt, Ord, O-1558904 hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2403-PS.(Partial)

WALTER R. SELIGSON
1st Lt. Ord.
O-1558904

H1112-0022

H1112-0023

PARTIAL TRANSLATION OF DOCUMENT 2456-PS
OFFICE OF U. S. CHIEF OF COUNSEL

Excerpts from "Handbuch des Gesamten Jugendrechnets", Gruppe G, (page 22).

Youth and the Church
Hitler Youth - Confessional Associations

Introduction:

The youth leader of the German Reich, in integration of all hitherto published regulations concerning joint membership in Hitler Youth and confessional youth associations, has issued a special ruling concerning Hitler Youth and confessional associations.

Hitler-Jugend and Catholic Youth:

Joint membership in the Hitler-Jugend (German Youngvolk, German Girls' League, Jungmädel of the German Girls' League) and organizations of Catholic youth associations is forbidden on principle. An exception to this prohibition can be permitted locally only in cases of Catholic youth organizations which, since before the taking of power, had the task only of church-religious care of youth (congregations and similar groups). A prohibition of joint membership applies also to these associations when they have enlarged their own former spheres of duty in the present, and exercise a type of activity in their care of youth which is in conflict with the police decree concerning confessional youth associations. The decision as to whether or not a Catholic youth organization falls under the ban on joint membership is to be made by the regional leadership (Obergaufuehrung). A recommendation from the appropriate State police is to be obtained for the decision.

Hitler-Jugend and Evangelical Youth:

Membership of Hitler-Jugend members (German Youngvolk, German Girls' League, Jungmaedel of the German Girls' League) in the organization of individual regional churches (Evangelical Youth Enterprise) is permitted. Approval of joint membership in Evangelical youth organizations may be withdrawn in cases of individual associations of Evangelical youth of which it is established that they have organizational, financial, or leadership ties with Evangelical youth organizations such as the Evangelical Young Men's Enterprise E. V. or the Y.M.C.A., etc.

The decision as to whether an evangelical youth organization is classified as an exception is to be made by the regional leadership (Obergaufuehrung). A recommendation from the appropriate State police is to be obtained for the decision.

CERTIFICATE OF TRANSLATION OF DOCUMENT 2456-PS

I, WOLFGANG E. THORMANN, Master Sergeant, USA, 33779426, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of an excerpt from Document 2456-PS.

WOLFGANG E. THORMANN,
M/Sgt., U.S.A.,
33779426.

H1112 - 0024

TRANSLATION OF DOCUMENT NO. 2851-PS
Office of U.S. Chief of Counsel.

Party positions	Date
Leader of the Reich	approximately May, 1933.
1) Foreign Political Office of the NSDAP	to the end.
2) Deputy of the Fuehrer to supervise the Entire Spiritual and Idéological schooling and education, of the NSDAP /s/	A. Rosenberg 9/11/45

- -

Government positions.	Date
Reich Minister for the Occupied Eastern Territories	17 July 1941- to the end
Other semi-public positions	
None /s/	A. Rosenberg. 9/11/45

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2851-PS

15 Nov. 1945.

I, GERARD SCHAEFER, 2nd Lt. O-1332102, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 2851-PS.

GERARD SCHAEFER
2nd Lt.
O-133 21 02.

H1112 - 0025

DOCUMENT NO. 2910-PS
OFFICE US CHIEF OF COUNSEL

POSITIONS HELD BY SEYSS-INQUART

1. Member of the NSDAP (Nazi Party) 13 March 1938 - 8 May 1945.
2. General in the SS, 15 March 1938 - 8 May 1945.
3. State Councillor of Austria, May 1937 - 12 February 1938.
4. Minister of the Interior and Security of Austria, 16 February - 11 March 1938.
5. Chancellor of Austria, 11 March - 15 March 1938.
6. Reich Governor of Austria, 15 March 1938 - 1 May 1939.
7. Member of the Reichstag, April, 1938 - 8 May 1945.
8. Member of the Reich Cabinet, 1 May 1939 - 1945.
9. Reich Minister Without Portfolio, 1 May 1939 - September 1939.
10. Chief of the Civil Administration of South Poland, Early September 1939.
11. Deputy Governor-General of the Polish Occupied Territory, 12 October 1939 - 18 May 1940.
12. Reich Commissar for Occupied Netherlands, 18 May 1940 - 8 May 1945. (Started on 29 May 1940)

I certify that the above and foregoing correctly lists positions held by me from 1934 to 1945.

Done at Nurnberg, Germany, 10 November 1945.

/s/ Arthur Seyss-Inquart
/t/ ARTHUR SEYSS-INQUART

Witness to Signature:

/s/ W. Frank, Capt.

/s/ Gladys Picklesimer

H1112-0026

AFFIDAVIT

1. My name is Mathias Lex, born on 28 of December 1874 in Bergham, Upper-Bavaria(Oberbayern). My residence is at Nuernberg, Katzwangerstrasse 62/II. From 1920 until May 1933 I was vice President of the National Union of Shoemakers (Zentralverband der Schuhmacher) affiliated with the A.D.G.B. (angeschlossen dem A.D G B.) The National Union was the parent organisation of all Shoemaker Trade Unions in the whole of Germany affiliated with the A.D.G.B. The Main Office was in Nuernberg and the office was located in the Essweinstrasse 1.

2. On 2 May 1933 I was as usual in the above mentioned office. It was about 10 a.m. when a certain Rudel in civilian clothes entered the office, accompanied by about 12 uniformed S.A. men. He informed us that he was directed to take over the National Union (Zentralverband). I then asked him whether he carried any identification. He replied this "would come immediately". Some minutes later the National Socialist Georg Pessler entered the room in the uniform of an A.A. man (Sturmabteilungsmann). He assembled all of us and informed us that the Shoemaker Union (Schuhmacherverband) was being taken over by the N.S.D.A.P. that however under no circumstances was it intended to dismiss any of the employees, but that on the contrary all of us should continue our work conscientiously. Another civilian had entered the room together with Pessler. He asked immediately for Josef Simon, the president of our organisation. I declared, that Simon was in Berlin, at a meeting of the A.D.G.B. (Allgemeiner Deutscher Gewerkschaftsbund (General German Trade Union Association). Schneider and Pessler wanted to know the address of Simon. I replied that I did not know it, because I was afraid of his being arrested. I was then informed that I would not be allowed to leave the office until I had given them the address of Josef Simon in Berlin.

During the afternoon Schneider remarked to Pessler that the son of Josef Simon was employed in the office and that his arrest in all probability would speed up the return of the father Josef Simon. When the closing hour came, all the keys, including those for the safe, were taken away from us by the Nazis and we were allowed to go home. Especially Schneider during the day had accused us of embezzlement and of the abuse of money entrusted to us, accusations which I strictly denied. From the day our offices were occupied, A Nazi guard in S.A. uniform of about 5 men was established there. On about 3 or 4 May I learned from young Simon that his father had been arrested in Berlin and was on his way to Nuernberg. Subsequently, young Simon and I went by railway to Fuerth, where we entered the Berlin-Nuernberg train, searched for Josef Simon and found him accompanied by a civil servant (Zivilbeamten). We remained together in a compartment until Nuernberg. Simon was taken away immediately from the station at Nuernberg and was not permitted thereafter to return to his office.

3. From 2 May 1933 onwards until about 11 May I was forced to work in my office under Nazi supervision. During that time Pessler conferred the supervision of the offices to Rudel and to a newly arrived Nazi-functionary, Heid. Around the 2 or 3 May the Nazis also took into custody (Schutzhaft) the editor of our union organ (Verbandsorgan) "The Shoemaker" (Der Schuhmacher"). His name was Otto Trefflich. Another member of our office staff, Hermann Mueller, was arrested about the same time. He was employed as a statistician by our trade union. In addition, however, he was Sport-Director (Sportwart") within the Workers Sport movement and I believe that he was arrested on account of that activity, as his position as statistician was not a leading one. He was also arrested on account of the fact that he was a very active member of the "Reichsbanner".

4. In Pirmasens, Palatinate, a payment-collection branch office of our union was established. In that office about the 8 or 9 May, the manager Adolf Ludwig and the cashier Dinges had been arrested. Upon my suggestion, Rudel agreed to go to Pirmasens in order to hear more details about the reason for the arrests. We arrived at Pirmasens about 11 May in the evening. A Nazi named Schmitz had taken over the management of the payment-collection office in Pirmasens. When we entered the office a certain Fink was also present. He was a leading Nazi in Pirmasens, in Nazi uniform.

Both repeated the accusations against the arrested manager and cashier of our branch office: embezzlement, theft and personal enrichment, illegal transfer of money belonging to the trade unions to the cooperatives (Genossenschaften). On 12 May we had a detailed discussion concerning the guilt of the accused men and I defended them. At about noon Fink, Schmitz and Rudel left the room. Both arrested men, Ludwig and Dinges, who had been brought into the room upon my request and myself were left in the room under the guard of an S.A. man. After about 10 minutes a policeman entered the room and brought me into the district-court prison (Amtsgerichtsgefaengnis).

H1112 - 0027

I was retained there in custody until the 28 May. Afterwards I protested in writing to the Nazi leaders of Pirmasens against my arrest, but I never received an answer. On 28 May Fink and two civilians arrived and informed me that they would send me back to Nuernberg. I asked them whether I would again be taken again into custody there. One of them said I would. I replied that in that case I might just as well stay in Pirmasens. Subsequently both Ludwig and Dinges, who had been called in before, and I were released after a few minutes.

5. When I showed up on Monday at my office for work, Rudel informed me that I was dismissed. I protested against an immediate dismissal on the ground of my rights against dismissal (Kuendigungsschutz) and Rudel rejected that flatly.

6. I reported three times weekly at the Labour Office ("Arbeitsamt) until the 26 September 1934, but had no success. I had also offered my services for factory work with the same negative result.

7. In September 1933 I secretly undertook a trip to Brussels in order to participate in the International Congress of Shoe and Leather Industry Workers (Internationaler Kongress der Schuh-und Leder-Industrie-Arbeiter"). My trip to Brussels was financed partly by my own means, partly with the help of my German collegues. I returned to Nuernberg without the Nazis being aware of my journey.

8. From the end of 1933 until September 1934 I irregularly received money from friends of our union. I was in a certain way the trustee for the distribution of that money to neady members of our movement, who as victims of the Nazis had become unemployed. In September 1934 a house-search took place in Pirmasens at the house of a certain Robert Breyer and a money order hidden in a sugar bowl was found. This money order had been addressed to me at my Nuernberg address. Based on that lead, the Gestapo discovered my distributing activities (Verteilertaetigkeit). On 25 September 1934 a search took place in my house by the Gestapo-man Osterhuber, accompanied by a policeman, but it was fruitless. These men ordered me to come to the Gestapo the following morning. After a four-hour cross-examination I was put into prison. I was retained in prison in Nuernberg for seven and a half months. During my custody in Nuernberg the Gestapo-man Osterhuber handed me a "Protective Custody Order" (Schutzhaftbefehl") dated 8 October 1934. This order was handed over by me to the American authorities here in Nuernberg on 13 November 1945.

9. On 11 May 1935 I was taken to Dachau. I was detained there until 23 December 1938. During these 44 months of my stay in Dachau, I saw and spoke now and again to the following persons likewise confined at the Dachau concentration camp (Dachauer Konzentrationslager). After each name I have added the person's political or other ties, also the home town or else the place where the person worked, as far as I still remember:

1. Karl PROELLS, Union man, Social Democratic Party of Germany (Sozialdemokratische Partei Deutschlands S.P.D.) Nuernberg
2. REIBENWEIN, Union man and S.P.D., Nuernberg
3. Johann DILLINGER, Union man and S.P.D., Nuernberg
4. Johann SPERBER, Union man and S.P.D., Nuernberg
5. EDELMANN, S.P.D.
6. BEHMER, Union man and S.P.D., Nuernberg
7. BUCHMANN, Union man and K.P.D. (Kommunistische Partei Deutschlands) (Communist Party of Germany).
8. HUEBNER, Union man and S.P.D., Nuernberg
9. UEBLER, Union man and S.P.D., Nuernberg
10. Max HOHLE, Union man and K.P.D., Muenchen
11. Leonhard PETER, Union man, Munich
12. BALSHAEUSER, Union man, Nuernberg
13. STAHLHUBER, Union man, Eichstaedt
14. HAUPTREIF, Union man, Pirmasens
15. WEISSPFLOCK, Union man, Munich
16. Hans GOLLWITZER, Union man, Nabburg

17. Julius LOSSMANN, Union man and S.P.D., Nuernberg

18. Kurt SCHUHMACHER, S.P.D.Hanover and Member of the Reichstag.

19. Anton MUELLER, S.P.D., Nuernberg

20. Heinrich JASPER,Dr., S.P.D.Prime Minister of Braunschweig, Braunschweig

21. PUCHTA, S.P.D., Member of the Reichstaf, Bayreuth

H1112-0028

22. ALEXANDER, Leading Police Official in Vienna, when the Labor party was in power there.

23. UNTERLEITNER, S.P.D., Member of the Reichstag (Mitglied des Reichstages), Munich

24. Ferdinand ABE,K.P.D., Munich

25. HUMMEL, S.P.D., Hessen (Hessea)

26. FELINER, S.P.D. or K.P.D., Straubing. Lower Bavaria

27. HAAG, K.P.D., Gmuend, State Deputy of Wuertemberg (Wuerttembergischer Landtagsabgeordneter)

28. Archduke (ERZHERZOG) FERDINAND VON LOTHRINGEN FROM THE DYNASTY OF TOSCANA (aus dem Hause Toskana) (seen, but not spoken to)

29. TWO PRINCES HOHENBERG, (Zwei Fuersten Hohenberg) sons of the deceased Crown Prince of Austria, Archduke Franz Ferdinand.

30. SCHMUCKER, Russian-Orthodox Bishop

31. STEINBRECHER, S.P.D. Minister of the Interior of Braunschweig

32. The Reverend SPANNlanc, Linz, Catholic priest

33. TRIPULA, Shoemaker, Neustadt/Aisch

When I came the first time to Dachau, I estimated that there were 2-3000 people confined in the camp. Of these about 50% at least were political prisoners. During my arrest in Dachau, I have spoken to additional other political prisoners, but I do not remember their names now. During my stay in Dachau, I noticed an increasing number of prisoners. Shortly before the Olympic Games took place in Berlin in 1936, my friends to whom I was talking and I noticed a sudden increase of prisoners to Dachau, which I estimate at about 2-3000 people. It was clear to us who discussed it that the most of them were beggars, peddlers and cripples because many of them looked shabby and were partly tattered and torn. We described many of them as "Peddlers" (Hausierer") and "Tramps" ("Handwerksburschen"). After the end of the Olympic Games, these people were gradually released. The next big transport appeared after the invasion of Austria and consisted of "Non Reich-Germans" (Nicht-Reichsdeutschen"), but only of Austrians. I estimate that the minimum figure was about 2500 people and that all these people came in within about 2 weeks. The next big transport, which I estimate at about 1000 people, was brought in about October 1938, immediately after the invasion of the Sudetenland. I spoke to some of these people, many of whom told me that they did not know at all why they had been arrested except that they were suspected of being Non-Nazis or Anti-Nazis. When I was released from Dachau in December 1938, about 20,000 people were held as prisoners there. At all times, however, where I was in Dachau, I estimate the percentage of the political prisoners to have been at least 50%. I include in the Political prisoners the "Bible-researchers" ("Bibelforscher") whose number I estimate at over 150. When I left the concentration camp there must have been over 150 gypsies there. After we had read in the newspapers of the murder of vom Rath, it was clear to us that the increased incoming of Jews was caused by it. I estimate the number of so-called "Anti-Socials" (A-Sozialen") in the camp at about 500 men, including the drunkards etc. In the group of political prisoners, estimated by me, I have not included the so-called "A-Socials" (A-Socialen) elements, the gypsies, nor the Jews, drunkards, the shiftless (Arbeitsscheuen), Homosexuals, those who had escaped labor assigned to them, nor the criminals. The following groups were kept

H1112 - 0029

entirely isolated: The members of the so-called "Punishment-Companies" (Strafkompagnien"), who were in a concentration camp for a second time and after about 1937 also the "Bibelforscher". Members of the "Punishment-Companies" (Strafkompagnien") were such prisoners, who had committed disciplinary or slight offences against the Camp Regulations ("Lager Ordnung"). The following groups lived separately but could mix with the other groups during the day, either while working or while strolling through the camp: Political prisoners, Jews, "Anti-Socials" (A-Sozialen"), gypsies, Felons, Homosexuals, and before 1937 also the Bible-Researchers" (Bibelforscher").

10. Until April or May 1936 the commandant of the camp was the S.S. Brigadier (Oberfuehrer) DEIWEL, who was later on succeeded by the "S.S. Colonel (Standartenfuehrer) BARANOWSKI and "S.S. Major (Sturmbannfuehrer") KRUEGEL. Attached to the commandant of the camp was the "S.S. Standartenfuehrer" VANSELOR, who was in charge of legal matters as interrogation of prisoners, who also interrogated me once. After LORITZ had commenced duty, the treatment became considerably worse. The following S.S. men (S.S.Leute"), holding the rank of "Scharfuehrer" were each in charge of a company of prisoners: ROTH, DAMMBACH, SPATZENBECKER, WAGNER, KAISER, ZIMMERMANN, SCHWARZHUBER, DALARMI, SEISS, AND LUEDGEMEYER, and many others.

11. After I had been brought to Dachau, I was subjected to numerous humiliations, annoyances, insults and ill treatments. We had to make our beds again and again under quite frivolous pretexts, we were not even allowed to have finger prints on our cupboards, but were forced immediately to rub them off. While washing our dishes we were not allowed to spill water. In winter we must assemble without overcoats. We were not allowed to wear scarves. We would have been beaten. If one of us laughed, we all had to undergo punishment drill. Once we had punishment drill for half an hour because in the opinion of the SS man in charge we had not sung nicely enough. Frequently for no reason we had to stand at attention for as long as an hour, BENDING OUR knees or skipping. Frequently we were ordered for general cleaning. We had to take all our belongings into the open. This was ordered with pleasure on holidays. The S.S. "Scharfuehrer" SEISS had a whistle. When he whistled once, everybody had to leave the barracks at once. Frequently this was done 4-6 times in succession. The last, who did not return to the barracks quickly enough, was kicked. This made everyone afraid and they jostled each other. When once during an alarm I returned too late to my barracks, LUEDGEMEYER called me miserable rascal (Elender Lumpen) and kicked me and thumped me in the face with his fist. Once when I entered the working room, and did not immediately take off my cap, the civilian HINTERMANN, (a camp employee) beat my face with his fist. DAMBACH beat me on my head with his fist because I had forgotten to deliver my watch when I was brought into the camp. A guard asked me, while I was carrying 2 planks, four meters long, to run with them. I was not able to do that. He kicked me and I fell to the floor with the planks. Another time an SS man called me names and for no reason at all made me do knee-bending until I was exhausted. On New Year's Day, 1937 we had to run continuously for 3 hours in the morning and for 3 hours in the afternoon. Another time we were made to run with our arms raised and dance at the same time. This lasted about half an hour. At the usual roll call in the evening, we often had to stand for more than 3 hours in the bitterest cold. Once when the company assembled too late, SPATZENECKER deprived us of coffee. These are only a few examples of the treatment to which we were constantly exposed. When I arrived at Dachau, I was 60 years old. When I left Dachau, I had, during those 44 months, lost 30 lbs. in weight. I blame this loss of weight on the defective nutrition which gradually got worse and worse after LORITZ had taken over.

12. Many Anti-Nazi political figures, who had held high positions before the Nazi seizure of power, were as a rule treated much worse than the average political prisoners. As an example I name: STEINBRECHER, JASPER, and, as an example of harsh treatment of other than leading personalities, I name BUCHMANN, STEINBRECHER, as former Minister of the Interior of Braunschweig, was mostly forced to do very hard work. JASPER was ridiculed and forced to work very hard. Once he was forced to wallow in dirt and another time was ordered to run around a tree about 100 times until he fainted. BUCHMANN, as another example, a Communist, was inhumanly punished for suspected assistance in escape. He was made to jump into a canal, to dive, kneel, and was repeatedly threatened with a pistol in order to force a confession from him. FELLNER, an ordinary worker, had to stay without any reason for 80 days in the bunker. The smallest violation against the rights of property (Eigentumsrechte) was most severely punished. For example a prisoner named HAEUSLER, for the suspected theft of a pair of light shoes, received 36 lashings (Stockhiebe) (the so-called "Schlageter celebration" ("Schlageter-Feier") in the presence of the whole camp. We were ordered to assemble. He was fixed on the box (Bock) with his hands and legs strapped on to the box. Then he received from two S.S. Men the 36 lashes. They were given with

H1112 – 0030

ox-hide ships (oxenziemern) which were held in both hands of each SS man. A doctor was in attendance. In my opinion this was only a matter of form. On 22 March 1937, I again witnessed this type of punishment. Again everybody had to assemble. Camp commandant LORITZ was present. He threatened us and ordered that the men should be lashed slowly. There were 2 prisoners and each of them received 25 lashes. On the same day and at the same time I also witnessed another punishment: 10 prisoners, whose offenses were unknown to me, were hanged on trees. This was done in such a way that both hands were tied together behind their backs. They were hung on to the trees by their hands. This lasted for an hour. This kind of punishment took place weekly. I know that from those who suffered from it. One was named BIEDERER. From my own company a man named WAGNER experienced it. Another was named DIROLF. On 22 March 1937 while we were standing at attention to witness the beating, one of our men had wiped his nose. LORITZ noticed that. The man was brought out and also hanged on the tree. Many whippings took place without witnesses. I saw the preparations, especially the victims before the whipping. DEGENFELD, MOECKE, SOCK and HOFMAN from my company have told me that they were whipped without witnesses. I also know of many other persons who received non-public whippings, but I no longer remember the names. I witnessed four whippings before the assembled camp-inmates. Besides that I also know of three Austrians having been whipped. In that case only Austrian prisoners were allowed to be present. I know this because we were forbidden to leave the barracks during the punishment. At other times we were allowed to stroll around freely. On the occasion of this whipping, a Political Prisoner, TRIPULA, went as a spectator against orders, and, being discovered, he also received 10 lashes. He, himself, later told me.

13. Around April 1936 the order was issued to isolate the prisoners who were in protective custody for a second time. We were placed in a special barracks, altogether about 250 men. In contrast to the ordinary prisoners we were neither allowed to smoke, nor to have newspapers, nor to play any games. Instead of 8 hours we were now forced to work 10 hours, were only admitted for meals as the last group, were not allowed to write home nor to receive any mail. We were used for particularly heavy work. Also in our working place (Werkstatt), we had to work entirely separately. Our barracks was completely shut in by wire netting. The windows looking on to the camp-street were covered by screens, thus making it impossible for anybody to look at us. We also could not get in touch with the outside because the window was covered and because the barrack doors only led to the place situated between both barracks. We were released from this special custody (Sonderhaft) after about 8 weeks. Only those, however, who were in protective custody for a second time were released, not those who were in a concentration camp for a second time. They remained in the special custody as before and continued to be subject to the above mentioned restrictions.

14. On 23 December 1938 I was released from Dachau. On 24 December 1938 I had to report to the Gestapo at Nuernberg. There the signing of a "Declaration" was demanded of me. This declaration is exactly the same as that signed by Josef Simon fefore the Bavarian Political Police on 20 December 1935 (Note: See Document 2331-PS) with the exception that I had to report only every third working day instead of every second day, and that there was no fixed hour prescribed for me to report. In this "Declaration" signed by me, I was described as "Union official" (Verbandsbeamter). When I was released from Dachau, we were told by a high-ranking S.S. man while assembled, that for the slightest offence we would be sent again to Dachau. He added that in such a case we would in all probability never get out of Dachau. We were told not to talk about Dachau at all, neither in a good nor in a bad way, not even to members of our families. In such a case we would likewise be brought back to Dachau.

15. After returning from Dachau, I now received the normal unemployment compensation. I reported regularly with the Labor Office (Arbeitsamt), but I was unable to get a job.

16. On 22 August 1944 at 5 a.m. I was arrested in my apartment by two criminal police men and taken away. At the police station I met 20 other persons who like me had been arrested the same day. Among them was Lorenz HAGEN, former President of the A.D.G.B., Nuernberg Local Committee. At noon all of us were transported by railway to Dachau. On 5 September 1944 I was again released with some of the people arrested on 22 August. During that period we were kept isolated, had no shoes or hats and received filthy clothes. This time none of us had to do any work. After my release I remained unemployed at Nuernberg until the end of the war.

17. I then resumed my relations with the union and with the party. Due to my age, however, I am no longer active.

I have read each page of the above statement and signed it. I assure hereby by oath that it is true.

(Signed) Mathias Lex
Mathias Lex

SWORN TO BEFORE ME ON THIS 16th DAY OF NOVEMBER, 1945 at the Justice Building, Nuernberg, Germany

(Signed) D.A.SPRECHER
D.A.SPRECHER, 02055516
Captain, AUS

17 November 1945

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 2928-PS

I, Enid M. Standring, P.O., 52012, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2928-PS

Enid M. Standring
P.O., 52012

H1112 - 0031

H1112 - 0032

TRANSLATION OF DOCUMENT 2972-PS
OFFICE OF U.S. CHIEF OF COUNSEL

I certify that the following is an accurate statement of positions and honors held by me:

A. Member of NSDAP from 30 January 1937 to 1945. (Awarded Golden Party Badge, 30 January 1937.) NSDAP No. unknown. The presentation was made against my will and without my being asked.

B. SS General. SS #287680.

1. Personally appointed Gruppenfuehrer by Hitler September 1937. Appointment was made against my will and without my being asked.

2. Promoted to Obergruppenfuehrer, 21 June 1943.

C. Reich Minister of Foreign Affairs.

1. Appointed by Papen on 2 June 1932. } Appointed by Reich-
2. Appointed by Hitler 30 January 1933.) president Hindenburg

3. Replaced by Ribbentrop on 4 February 1938.

D. Inactive Reichminister from 4 February 1938 until May 1945.

E. President, Secret Cabinet Council (Appointed February 4, 1938). The Cabinet Council never sat nor conferred.

F. Member of Reich Defense Council from ____ to 1945. No.

G. Reich Protector for Bohemia and Moravia.

1. Appointed 18 March 1939.

2. On leave from 27 September 1941.

3. Replaced by Frick, 25 August 1943.

H. Awarded "Adlerorden" by Hitler at time of appointment as Reichsprotektor. Ribbentrop was the only other German to receive this decoration.

(Sgd) Constantin von Neurath
CONSTANTIN von NEURATH
17 November 1945

(Sgd) Dr. von Lüdinghausen,
Defense Counsel

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2972-PS

I, W. E. MENKE, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 2972-PS.

W. E. MENKE

H1112 – 0033

DOCUMENT NO. 2973-PS
OFFICE U.S. CHIEF OF COUNSEL

CERTIFICATE

Date
Nurnberg, Germany

I hereby certify and agree that the following positions in the NSDAP and the German Government were held by Baldur von Schirach at or within the times stated for each position, or, if no time is stated, at some point between 1924 and 1945.

1. Member of NSDAP, 1925-1945.

2. Member of Reichstag, 1932-1945.

3. Reich Youth Leader on Staff of SA Supreme Command, holding rank of General (Obergruppenfuehrer), in the SA, 1933.*

4. Reichsleiter in the NSDAP for Youth Education, 1932-1945.

5. Leader of Youth in the German Reich (Jugend fuehrer des Deutschen Reiches), 1933-1940.**

6. Leader of Hitler Jugend (Reichsjugend fuehrer der NSDAP) 1931-1940.

7. Reich Defense Commissioner for Vienna, 1940-1945.

8. Reichstatthalter of Vienna, 1940-1945.

9. Gauleiter of Vienna, 1940-1945.

10. Deputy to the Fuehrer for Inspection of the Hitler Youth (Beauftrager des Fuehrer fur die Inspektion der Gesamten Hitler Jugend), 1940-1945.

Signed: V. Schirach.

Signed: Dr. Sauter, R.A.

*I was Gruppenfuehrer and Reich Youth Leader on Staff of SA Supreme Command from 1931 until 1932; from that time on I was made independent (Reichsleiter) and only kept my rank and title as Gruppenfuehrer and - since about 1941 - Obergruppenfuehrer.

**As "Jugendfuehrer des Deutschen Reichs" I belonged in 1933 to the Ministry of the Interior, then since 1936 to the Ministry of Education. On December 1, 1936 my office became "OBERSTE REICHSBEHÖRDE."

H1112 - 0034

DOCUMENT NO. 2978-PS
OFFICE OF U.S. CHIEF OF COUNSEL

OFFICES AND POSITIONS HELD BY DEFENDANT WILHELM FRICK

It is hereby agreed that Wilhelm Frick, a defendant in the ction pending before the International Military Tribunal, was appointed or elected, as the case may be, to the positions and held the ffices entitled thereto during the time as set forth below:

1. Member of the Nazi Party, 1925 -1945.
2. Reichsleader of the Nazi Party, 1933-1945.
3. Floor leader of the Nazi Party in the Reichstag, 1928-1945.
4. Minister of the Interior and of Education of Thuringia, 23 January 1930 to 1 April 1931.
5. Chief of Division, Munich Police Department, 1917 to 10 November 1923.
6. Official in the Social Insurance Office, Munich, 1926 to 23 January 1930 and 1 April 1931 to 30 January 1933.
7. Reichsminister of the Interior, 30 January 1933 to 20 August 1943.
8. Prussian Minister of the Interior, 1 May 1934 to 20 August 1943.
9. Reichsdirector of elections, 1933 to 20 August 1943.
10. Member of the Reichs Defense Counsel as General Plenipotentiary for the administration of the Reich, 21 May 1935 to 20 August 1943.
11. Member of the Ministers' Council for the defense of the Reich, 21 Mai 1935 to 20 August 1943.
12. Reichs Protector for Bohemia and Moravia, 20 August 1943 to 1945.
13. Reichsminister without portfolio, 20 August 1943 to 1945.

CERTIFICATE

I hereby certify that the above is true this 14 day of November 1945.

/s/ Frick
DEFENDANT

/s/ Dr. Pannenbecker
ATTORNEY FOR DEFENDANT

H1112 - 0035

DOCUMENT NO. 2979-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Date 15 November 1945
Nurnberg, Germany

CERTIFICATE

I hereby certify and agree that the following positions in the Nationalsozialistischen Deutschen Amberterpartei and German government were held by Hans Michael Frank at or within the times stated for each position, or, if no time is stated, at some point between 1927 and 1945:

1. Member of Nationalsozialistischen Deutschen Amberterpartei - 1928 - 1945

2. Member of the Reichstag (Mitglied des Reichstag) - 1930-1945

3. Reich Minister without portfolio - 1934-1945

4. Reich Commissar for the coordination of justice in the States and for reformation of the law (Reichskommissar fur die Gleichschaltung der Justiz in der Landern und fur Erneuerung der Rechtsordnung), April 1933 - December 1934, in the Ministry of Justice.

5. President, International Chamber of Law (1941-42)

6. President, Academy of German Law (Prasident der Akademie fur Deutsches Recht) 1933-1942

7. Governor-General of the Occupied Polish Territories (General gouverneur fur die besetzten polnischen Gebiete) - October 1939 to 1945

8. Bavarian State Minister of Justice - March 1933 to December 1934

9. Reichsleiter of Nationalsozialistischen Deutschen Amberterpartei 1933-1942.

10. Leader of National Socialist Lawyers Bund (National-sozialistischen deutscher Juristen) from 1933 to 1942

11. Editor or author of following between 1930 and 1942

    1) ("Deutsches Recht"
    (Magazine of Bund of National Socialist Jurists

    2) Magazine of Academy of German Law

    3) National Socialist Handbook for Law and Legislation

/s/ Dr. Frank

/s/ Dr. Seidl

Exhibit USA 568
Filed Jan. 7, 1946

DOCUMENT NO. 3261-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(SEAL)

SEGRETERIA DI STATO

DI SVA SANTITA

THE VATICAN, November 13th 1945.

I, D o m e n i c o T a r d i n i, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document consisting of 9 printed pages and entitled:

"Verbal note of the Secretariate of State of His Holiness to the German Embassy (Jan. 18th 1942)" (pp.3-11)

is a true and correct translation into the English language from the Italian language of a carbon copy of a document now in the possession of the Secretariate of State of his Holiness, the original of which was dispatched to the German Embassy.

(signed) Domenico Tardini

H1112 – 0036

DOCUMENT NO. 3261-PS
OFFICE OF U. S. CHIEF OF COUNSEL

VERBAL NOTE OF THE SECRETARIATE OF STATE OF HIS HOLINESS TO THE GERMAN EMBASSY (Jan. 18th 1942)

This is the answer to the German Embassy's Verbal Note, dated August 29th 1941. The document sets forth the grave reasons of right and fact because of which the Holy See cannot agree to the requests put forward by the Government of the Reich about episcopal nominations.

The Secretariate of State of His Holiness has the honour to acknowledge the receipt from the honourable German Embassy to the Holy See of the Verbal Note of August 29th 1941.

In that Verbal Note the honourable German Embassy communicated to the Secretariate of State that "in view of the importance that attaches to the conferring of all the high offices of the Roman Catholic Church, the Government of the Reich cannot renounce the right to be heard before such offices are conferred; a right which belongs to it in virtue of its sovereignty."

It noted further that the Government "must, on the contrary, attach importance to its being given the possibility of having its difficulties of a general political character heard before the conferring of the offices of Archbishop, Bishop, Coadjutor with the right of succession and also of independent Prelate (Praelatus Nullius) in the entire new territory of the Reich, together with Alsace, Lorrain, Luxemburg and the freed territories of Lower Steyer, Kärnten, and Krain and also in the General Government area (Generalgovernement). Moreover the Government must claim this right also in cases where the administration of the above-mentioned ecclesiastical offices is to be in the hands of an Apostolic Administrator, or of a Vicar Capitular beyond a reasonable time or finally of any other diocesan administrator whatsoever."

At the same time the honourable German Embassy notified the Secretariate of State that "in the interest of uniformity in administration throughout the entire sovereign territory of the Reich, the Government must further attach importance to the fact that, within the old territory of the Reich also, the appointment of ecclesiastical dignitaries of the kind just mentioned (Apostolic Administrators, Vicars Capitular and other diocesan administrators) be not made unless the Government has been approached beforehand confidentially, and given the opportunity to submit for consideration any difficulties of a general political character it may at the time have against the proposed candidates."

"The Government of the Reich," the Verbal Note concludes, "therefore asks the Holy See before conferring in future any Ecclesiastical offices of the kind mentioned above, to afford it, by means of an appropriate communication, the opportunity to submit for consideration any possible difficulties of a general political character."

In this connection the Secretariate of State is anxious above all to assure the honourable German Embassy that the Holy See, animated as it is by the liveliest desire to secure, as far as it is concerned, the genuine welfare of the German people, has been and is still sincerely disposed to do everything that it can, within the range of its rights and obligations, to improve the relations between the Church and the German State.

H1112 - 0037

Of this disposition (not to mention many other noteworthy instances) the Holy Father gave a particularly solemn proof immediately after his accession to the Pontifical Throne in the autograph letter, dated March 6th 1939, to His Excellency the Führer and Chancellor of the Reich.

In that letter His Holiness stated, among other things: "Recalling with pleasure the long years during which, as Apostolic Nuncio in Germany, We gladly devoted all Our efforts to have the relations between Church and State regulated and to make them more and more friendly through mutual understanding and ready cooperation, for the good of both parties, We now direct especially to the achievement of such an end the fulness of the most ardent desires, which are inspired and made possible by the responsibility of Our office."

Yet, despite this keen desire of the August Pontiff, which His Excellency the Führer and Chancellor of the Reich, in his reply of the following April 29th, said that he shared, the relations between Church and State in Germany are still far indeed from being what they ought to be, as alas is made manifest by the measures and acts which continue to multiply both in the territory of the Reich and in the occupied and annexed countries, measures and acts which gravely violate the rights of the Church, being contrary not only to the existing Concordats and to the principles of international law ratified by the Second Hague Conference, but often--and this is much more grave--to the very fundamental principles of divine law, both natural and positive.

Let it suffice to recall in this connection, among other things, the changing of the Catholic State elementary schools into undenominational schools; the permanent or temporary closing of many minor seminaries, of not a few major seminaries and of some theological faculties; the suppression of almost all the private schools and of numerous Catholic boarding schools and colleges; the repudiation, decided unilaterally, of financial obligations which the State, Municipalities, etc. had towards the Church; the increasing difficulties put in the way of the activity of the religious Orders and Congregations in the spiritual, cultural and social field and above all the suppression of Abbeys, monasteries, convents and religious houses in such great numbers that one is led to infer a deliberate intention of rendering impossible the very existence of the Orders and Congregations in Germany.

Similar and even graver acts must be deplored in the annexed and occupied territories, especially in the Polish territories and particulary in the Reichsgau Wartheland for which the Reich Superintendent has issued, under date of September 13th last, a "Decree concerning Religious Associations and Religious Societies" (Verordnung über religiöse Vereinigungen und Religionsgesellschaften) in clear opposition to the fundamental principles of the divine constitution of the Church.

If all this has been and still is reason for profound regret on the part of the Holy See--a regret that is equally shared by the Catholics of Germany and of the entire world--it has not however availed to cool the ardent desire to see the Catholic religion restored to a satisfactory position in the Reich and in the territories dependent on it, through a betterment of the relations between the Holy See and the Government.

As to what concerns the wishes expressed by the Government of the Reich with regard to the filling of the high offices of the Catholic Church, the Secretariate of State cannot but agree with the Government as to the importance attaching to appointments to all these high offices.

H1112-0038

In fact the person appointed to govern a diocese in fulfilling his spiritual mission, naturally comes to defend and encourage those same principles of virtue, order, discipline and social justice by which the State wishes the conduct of its citizens to be guided.

The fact however that the choice of a candidate for such an office contributes also to the good of the State and for that very reason has an interest for the Government, does not suffice to give the Government a right to intervene in any way in the choice itself, any more than the fact that the appointment of an upright, just, dispassionate State official, not hostile to the Church, has a particular importance for the religious authorities, does not confer on them the right to intervene in the appointment itself.

The Secretariate of State, moreover, takes the liberty to remind the honourable German Embassy that the Church, funded by Christ and hence existing by devine right, directed towards the achievement of supernatural ends assigned exclusively to her, for the attainment of which she is--in virtue of her divine constitution--provided with adequate means, is a perfect juridical society and, in her own order, supreme.

It possesses consequently a sphere of action which is exclusively its own, and within which it acts in complete independence.

Hence it follows that with regard to the Church's procedure in general and in particular with regard to her internal government and especially her choice of those who are to preside over it, the State cannot invoke or ask to have considered rights deriving from the soverignty which undoubtedly belongs to it in its own order but which cannot but be restricted to its sphere of civil and political action.

This right of the Church to provide, in complete independence of the civil power, for the government of ecclesiastical provinces is confirmed by the fact that in those Nations in which no special agreements are in force between the Holy See and the Governments, these do not intervene in any way in appointments to dioceses, nor do they receive previous notification of such appointments, even though, as in the case of Brazil, Chile and Ireland for example, they have full diplomatic relations with the Holy See.

If then some Governments, including that of Germany, enjoy special privileges even regarding episcopal appointments, this does not establish a native right of the civil authorities, but depends solely, as is well known, upon special agreements, in virtue of which the Holy See, precisely because of its supreme power in the ecclesiastical sphere (a power, moreover, that is acknowledged by the State which enters on such a solemn international pact with the Holy See) has made certain concessions, confining them always within clear and determined limits. And so true is it that for Germany, too, such a privilege is a concession of the Holy See, that both in the Concordat with the Reich and in that with Bavaria, before the privilege is conceded, an affirmation of principle is made about the Church's right to choose freely her holy Pastors.

In fact, in the Concordat with the Reich, in art. 14 it is stated: "The Catholic Church has in principle the right to confer freely all ecclesiastical offices and benefices, without the State or municipalities intervening... Before the Bulls are despatched for the appointment of Archbishops, of Bishops, of a Coadjutor with the right of succession or of a Prelate Nullius, notice will be given to the Reich Lieutenant in the State concerned of the name of

H1112 - 0039

the person chosen to make sure that no objections of a general political character exist against him".

In the Concordat with Bavaria, in art. 14 it is laid down: "The appointment of Archbishops and Bishops is the concern of the Holy See acting in full liberty. Before publishing the Bull, the Holy See will approach the Bavarian Government confidentially and make sure that there are no objections of a political order against the candidate".

It is always in virtue of a concession founded on a Concordat that other States of Germany enjoy a like privilege.

So in the Concordat with Prussia, in art. 6, 1 it is laid down: "The Holy See will not appoint any Archbishop or Bishop, without the Chapter after the election having first made sure from the Prussian Government that no objections of a political character exist against him". And in art. 7: "The Holy See will not appoint any Prelate Nullius or Coadjutor of a diocesan Bishop with right of succession without having first ascertained from the Prussian Government that there do not exist objections of a political character".

In the Concordat with Baden, art. 3 lays down: "1. When the Archiepiscopal see falls vacant, the Chapter presents to the Holy See a list of canonically suitable candidates... 2. Before confirming the person elected, the Holy See will ascertain from the Ministry of State of Baden whether there exist against him on the part of the Government objections of a general political character, to the exclusion however of those regarding the political party". And in the final Protocol, concerning art. 3, it is laid down: "In the case of appointing a Coadjutor with right of succession to the Archbishop of Freiburg, the Holy See will take action after having consulted the Government of Baden".

As the honourable German Embassy will observe, in the Concordat provisions quoted above--and such provisions are, moreover, analogous to those agreed upon with other States--the privilege allowing that objections of a political character against a candidate be taken into consideration--a pure concession founded on a Concordat--is limited expressly to Archbishops, Bishops, Coadjutors with right of succession and Prelates Nullius.

In fact, prescinding from the choice of Vicars Capitular which is made directly by the respective Chapters in conformity with the dispositions of Canon Law and without the intervention of the Holy See, it is not the practice and custom of the Holy See to grant the above mentioned privilege in cases of the appointment of Apostolic Administrators or, should the case require, of other Prelates called to govern a diocese during an interim, its intention being to reserve to itself entire liberty in the filling of offices which are of their nature extraordinary and transitory.

If the duration of such offices happens at times to be prolonged, that is to be attributed solely to special circumstances, entirely independent of the will of the Holy See and for which it certainly cannot be held in any way responsible.

The Secretariate of State deems it unnecessary to represent to the honourable German Embassy that were the privilege granted to the Government of the Reich to have objections of a general political character considered with regard to the appointment, within the territory of the Reich, of Apostolic Administrators and of other persons appointed ad interim to the government of the various ecclesiastical provinces, the way would be opened, as one can easily see, to complaints on the part of the other Governments which, no less than the Government of the Reich, attach importance to the above-named appointments but to none of which a similar concession has been made, not excepting even those which by their favourable treatment of the Church have earned for themselves particular merits.

H1112-0040

Moreover, as to the request for the privilege to have observations of a general political character taken into account even in the territories not comprised in the old Reich and indicated in the above-mentioned Memorandum, both as regards Bishops and in the instances in which the government of the ecclesiastical provinces is entrusted provisionally, "beyond a reasonable time" to an Apostolic Administrator or to a Vicar Capitular or in fine to any regent whatever, the Secretariate of State takes the liberty to remark that from what has been already said it follows that the concession of such a privilege would go against the noted traditional practice of the Holy See.

Furthermore the Holy See holds as a norm and constant practice of law, of prudence and of respect, determined by the highest moral and juridical principles, not to proceed, whatever agreements or privileges be asked for by States, to innovations in the religious life of a country, in whatever way occupied or annexed in consequence of military operations, except when at the conclusion of hostilities the new conditions are formally recognized in the peace treaties or by the competent international organisms that may exist.

The Holy See held to this same practice during the last world war.

Thus, to quote some examples, notwithstanding the fact that the Bishops of Metz and Strasbourg, Germans by nationality, following on the occupation of Alsace-Lorraine by French troops, had offered their resignations, the Holy See did not accept them until July 10th 1919 and did not grant the canonical installation of the two French prelates, their successors, until the following July 31st, that is, when the peace treaty had already entered into force.

The Holy See acted in a similar manner in the question of the delimitation of the ecclesiastical provinces of Poland. Notwithstanding the wish expressed by the Polish Government and the importance, even in the very interests of Religion, of a quick solution, the Holy See abstained from taking a final decision in this matter until an international juridical settlement had been reached in the controversy relating to the possession of Vilna. It was only after the well-known decisions reached on this question by the Conference of Ambassadors (March 14th 1923) and by the League of Nations (December 3rd 1923) that the Holy See, in art. IX of the Polish Concordat, signed on February 10th 1925, established the new ecclesiastical divisionof Poland.

Nor was there any difference in the procedure adopted in regard to other States that arose or were altered by reason of the treaties following the war of 1914-1918.

In consideration, therefore, of such reasons, the Holy See while remaining always disposed to meet, within the limits determined for it by its rights and obligations, the legitimate wishes of the German Government, to its keen regret does not find itself in a position to grant the requests contained in the above mentioned Verbal Note of August 29th last.

Begging the honourable German Embassy to bring the above to the knowledge of its Government, the Secretariate of State takes occasion, etc.

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H1112 - 0041

DOCUMENT NO. 3262-PS
OFFICE OF U.S.CHIEF OF COUNSEL

(SEAL)

SEGRETERIA DI STATO

DI SVA SANTITA

THE VATICAN, November 13th 1945.

I, D o m e n i c o T a r d i n i, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of three printed pages, and entitled:

"Report of His Excellency the Most Rev. Cesare Orsenigo, Papal Nuncio in Germany, to His Eminence the Cardinal Secretary of State of His Holiness, June 27th, 1942" (Doc. 1942)

is a true and correct translation into the English language from the Italian language of an original document received by the Secretariate of State of His Holiness and now in the possession of the Secretariate.

(signed) Domenico Tardini

H1112 - 0042

H1112 - 0043

DOCUMENT NO. 3262-PS
OFFICE OF U. S. CHIEF OF COUNSEL

REPORT OF HIS EXCELLENCY THE MOST REV. CESARE ORSENIGO, PAPAL NUNCIO IN GERMANY, TO HIS EMINENCE THE CARDINAL SECRETARY OF STATE OF HIS HOLINESS, JUNE 27th, 1942.

His Excellency the Nuncio reports on the attitude of the Reich Government after the above referred Verbal Note of the Secretariate of State.

As your Eminence communicated to me in your estemmed dispatch n. 7214/41, on September 24th last, this Government in its Verbal Note of August 29th 1941 (sent to the Holy See through the German Embassy) officially put forward the request that it should be enabled, by being informed beforehand, to raise objections of a general political character in all cases of nominations of Archbishops, Bishops, Coadjutors with the right of succession, Prelates nullius, Apostolic Administrators, Vicars Capitular (in the event of their governing beyond a reasonable time) or of other diocesan rulers; and this for "the entire new territory of the Reich together with Alsace, Lorraine, Luxemburg and the freed territories of Lower Steyer, Kärnten and Krain and also of the General-Government area". The same procedure was moreover sought for the territory of the old Reich in regard to nominations of Apostolic Administrators, Vicars Capitular (in the cases referred to above) and other diocesan rulers.

In your esteemed dispatch n. 610/42 of January 23rd last, your Eminence deigned to communicate to me, for my information and guidance, a copy of the Verbal Note which your Eminence had sent in reply on January 18th last to the German Embassy.

Up to yesterday the German Government had given me no indication of this Verbal Note sent as reply of the Holy See; but I had noted that business of whatever kind relating to the new territories or the Reich was submitted to unusual delays or was almost lost in the bureaucratic procedure to which it had to be submitted. Yesterday I expressed to the Secretary of State for the Foreign Ministry, Baron von Weizsäcker, a desire to have some news regarding the Professors of the Leopoli University on whose behalf, as I reported in my respectful report n. 2034 (47.693) of the 17th instant, I had already interested this Government.

The Secretary of State, having courteously apologised for the fact that he did not yet have the information requested from him about the Leopoli University Professors, added:

"In this regard however, as for all other business referring to the new territories of the Reich, i.e. not belonging to the old Reich, it is as well I should let you know something. It is about a decision taken by those competent to do so in connection with the Verbal Note of January 19th last, in which His Eminence the Cardinal Secretary of State replied to our Verbal Note of August 29th 1941, presented to the Cardinal Secretary of State by our Embassy to the Holy See. The decision is that no further consideration will be taken of proposals or requests concerning territories which did not belong to the old Reich".

I tried first of all to get clear the territorial extent of this phrase, and asked him in this exclusion were involved also Austria, the Protectorate and the Sudetens, and the Secretary answered: "All the territories that did not belong to the old Reich".

I strove then to point out that the request put forward by the German Government referred to a serious innovation in the procedure for nominating diocesan rulers and that the Holy See had replied solely to this request according to its traditional practice; I observed

H1112 - 0044

besides that it is the traditional usage of the Holy See not to institute innovations in territories occupied during military operations until hostilities are over.

But the Secretary of State only said: "What can I do? This is the decision reached and it has already been sent to our appropriate offices".

I then asked if he wanted me to inform the Holy See, and he answered: "I leave you to judge! "I asked if the Ambassador M. von Bergen was not doing so, and he said: "I think not, for he has not had any explicit instructions on this point".

I concluded then by saying that I should think over the matter.

One may foresee that in future requests referring to the new territories of the Reich either will not be accepted or will be met with evasive answers.

I avail myself etc. etc.

H1112 - 0045

DOCUMENT NO. 3262-PS
OFFICE OF U. S. CHIEF OF COUNSEL

REPORT OF HIS EXCELLENCY THE MOST REV. CESARE ORSENIGO, PAPAL NUNCIO IN GERMANY, TO HIS EMINENCE THE CARDINAL SECRETARY OF STATE OF HIS HOLINESS, JUNE 27th, 1942.

His Excellency the Nuncio reports on the attitude of the Reich Government after the above referred Verbal Note of the Secretariate of State.

As your Eminence communicated to me in your estemmed dispatch n. 7214/41, on September 24th last, this Government in its Verbal Note of August 29th 1941 (sent to the Holy See through the German Embassy) officially put forward the request that it should be enabled, by being informed beforehand, to raise objections of a general political character in all cases of nominations of Archbishops, Bishops, Coadjutors with the right of succession, Prelates nullius, Apostolic Administrators, Vicars Capitular (in the event of their governing beyond a reasonable time) or of other diocesan rulers; and this for "the entire new territory of the Reich together with Alsace, Lorraine, Luxemburg and the freed territories of Lower Steyer, Kärnten and Krain and also of the General-Government area". The same procedure was moreover sought for the territory of the old Reich in regard to nominations of Apostolic Administrators, Vicars Capitular (in the cases referred to above) and other diocesan rulers.

In your esteemed dispatch n. 610/42 of January 23rd last, your Eminence deigned to communicate to me, for my information and guidance, a copy of the Verbal Note which your Eminence had sent in reply on January 18th last to the German Embassy.

Up to yesterday the German Government had given me no indication of this Verbal Note sent as reply of the Holy See; but I had noted that business of whatever kind relating to the new territories or the Reich was submitted to unusual delays or was almost lost in the bureaucratic procedure to which it had to be submitted. Yesterday I expressed to the Secretary of State for the Foreign Ministry, Baron von Weizsäcker, a desire to have some news regarding the Professors of the Leopoli University on whose behalf, as I reported in my respectful report n. 2034 (47.693) of the 17th instant, I had already interested this Government.

The Secretary of State, having courteously apologised for the fact that he did not yet have the information requested from him about the Leopoli University Professors, added:

"In this regard however, as for all other business referring to the new territories of the Reich, i.e. not belonging to the old Reich, it is as well I should let you know something. It is about a decision taken by those competent to do so in connection with the Verbal Note of January 19th last, in which His Eminence the Cardinal Secretary of State replied to our Verbal Note of August 29th 1941, presented to the Cardinal Secretary of State by our Embassy to the Holy See. The decision is that no further consideration will be taken of proposals or requests concerning territories which did not belong to the old Reich".

I tried first of all to get clear the territorial extent of this phrase, and asked him in this exclusion were involved also Austria, the Protectorate and the Sudetens, and the Secretary answered: "All the territories that did not belong to the old Reich".

I strove then to point out that the request put forward by the German Government referred to a serious innovation in the procedure for nominating diocesan rulers and that the Holy See had replied solely to this request according to its traditional practice; I observed

H1112 -0046

besides that it is the traditional usage of the Holy See not to institute innovations in territories occupied during military operations until hostilities are over.

But the Secretary of State only said: "What can I do? This is the decision reached and it has already been sent to our appropriate offices".

I then asked if he wanted me to inform the Holy See, and he answered: "I leave you to judge! "I asked if the Ambassador M. von Bergen was not doing so, and he said: "I think not, for he has not had any explicit instructions on this point".

I concluded then by saying that I should think over the matter.

One may foresee that in future requests referring to the new territories of the Reich either will not be accepted or will be met with evasive answers.

I avail myself etc. etc.

Exhibit USA 571
Filed Jan. 8, 1946

DOCUMENT NO. 3263-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(SEAL)

SEGRETERIA DI STATO

DI SVA SANTITA

THE VATICAN, November 13th 1945

I, D o m e n i c o T a r d i n i, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of one printed page, and entitled:

"Memorandum of the Secretariate of State to the German Embassy regarding the religious situation in the 'Warthegau' (October 8th, 1942)" (p.1)

is a true and correct translation into the English language from the Italian language of a carbon copy now in the possession of the Secretariate of State of His Holiness of a document, the original of which was dispatched to the German Embassy.

(signed) Domenico Tardini

H1112 - 0047

DOCUMENT NO. 3263-PS

(1)ing

POLAND

MEMORANDUM OF THE SECRETARIATE OF STATE TO THE GERMAN EMBASSY REGARDING THE RELIGIOUS SITUATION IN THE "WARTHEGAU" (OCTOBER 8th, 1942)

For quite a long time the religious situation in the region called "Warthegau" gives cause for very grave and ever increasing anxiety. There, in fact, the Episcopate has been little by little amost completely eliminated; the secular and regular clergy have been reduced to proportions that are absolutely inadequate, because they have been in large part deported and exiled; the education of clerics has been forbidden; the Catholic education of youth is meeting with the greatest opposition; the nuns have been dispersed; insurmountable obstacles have been put in the way of affording people the helps of religion; very many churches have been closed; Catholic intellectual and charitable institutions have been destroyed; ecclesiastical property has been seized.

In August and September 1941 the Apostolic Nuncio in Germany presented to the Minister for Foreign Affairs of the Reich detailed memoranda asking for the restoration in the Warthegau of just freedom of cult.

In spite of this the situation has worsened in consequence of Ordinance No. 246 of the Lieutenant of the Reich in that region, dated the 13th of the same month of September. The Apostolic Nuncio presented, on September 29th 1941, a vigorous remonstrance against the ordinance, which violates the rights and the liberty of the Catholic Church.

Nevertheless, since that date, the religious condition of the Catholics of that territory has become even sadder and more tragic.

If, as is feared, in consequence of new measures by the Lieutenant's Office, the situation should be still further aggravated, the Holy See, as in duty bound by its office, would find itself compelled to abandon - and it would do so, however unwillingly - the attitude of reserve which it has hitherto maintained.

H1112-0048

Exhibit USA 572
Filed Jan. 8, 1946

DOCUMENT NO. 3264-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(SEAL)

SEGRETERIA DI STATO

DI SVA SANTITA

THE VATICAN, November 13th 1945

I, D o m e n i c o T a r d i n i, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of 14 printed pages, and entitled:

> "A note of His Eminence the Cardinal Secretary of State to the Foreign Minister of the Reich about the religious situation in 'Warthegau' and in the other Polish provinces subject to Germany (March 2nd 1943)" (pp.2-15)

is a true and correct translation into the English language from the Italian language of a carbon copy now in the possession of the Secretariate of State of His Holiness of a document, the original of which was dispatched to the Foreign Minister of the Reich.

(signed) Domenico Tardini

DOCUMENT NO. 3264-PS

(2)ing

POLAND

A Note of His Eminence the Cardinal Secretary of State to the Foreign Minister of the Reich about the religious situation in "Warthegau" and in the other Polish provinces subject to Germany

Vatican, March 2nd, 1943.

No. 1063/43

Excellency,

The Holy See, to which by divine mandate is committed the task of looking over the religious interests of all Catholics, to whatever nationality they belong, cannot fail to be intensely preoccupied by the grave and systematic difficulties which are being put in the way of the free profession of the Catholic faith and the practice of the Catholic religion, in some territories under the Authorities of the Reich.

As the interpreter of the very intense desire which animates the same Holy See to have these difficulties solved, I have the honour to recall them to the special attention of your Excellency, and by your kind intervention to the other competent Authorities of the Government of the Reich.

The place where, above all, the religious situation, by its unusual gravity, calls for special consideration is the territory called the "Reichsgau Wartheland".

Six bishops resided in that region in August 1939; now there is left only one. In fact:

The Bishop of Lodz (Litzmannstadt) and his Auxiliary were, in the course of the year 1941, confined first in a small district of the diocese, and then expelled and exiled in the "Generalgouvernement."

Another Bishop, Mgr. Michael Kozal, Auxiliary and Vicar General of Wladislavia (Leslau), was arrested in the autumn of 1939, detained for some time in a prison in the city and later in a religious house in Lad, and finally was transferred to the concentration camp at Dachau.

Since His Eminence the Cardinal Archbishop of Gniezno (Gnesen) and Poznan (Posen) and the Bishop of Wladislavia, who had gone away during the period of military operations, were not allowed to return to their Sees, the only Bishop who now remains in the "Warthegau" is His Excellency Mgr. Valentine Dymek, Auxiliary of Poznan; and he, at least up to November 1942, was interned in his own house.

All efforts of the Holy See on behalf of these Bishops were in vain. Thus, in reply to a Verbal Note recommending Mgr. Michael Dozal, presented to it on June 10th 1941, on behalf of the Secretariate of State of His Holiness, by the Apostolic Nunciature in Berlin, your Reichministry for Foreign Affairs answered in the Verbal Note III 2270 on November 18th of the same year, saying that the Prelate had been transferred from Lad to Dachau and adding that for reasons of public security it was not possible for the moment to restore him to liberty.

When the Nunciature urged the matter on December 12th 1941, and asked for a specification of the charges brought against Mgr. Kozal, your Ministry merely affirmed, but without adducing the relevant proofs (Verbal Note Pol. III 496 of March 7th, 1942), that the Prelate had engaged in political activity "in deutschfeindlichem Sinne" (of an anti-German nature); and then repeated the statement that "aus präventiv-polizeilichen Gründen" (for preventive police reasons) it was not possible to set him free.

The absence of any formulation of specific charges led the Apostolic Nuncio once more orally to draw the attention of the Reichsministry for Foreign Affairs to the matter. He was given grounds for hoping to obtain a more detailed reply, which however was never given.

In the same way, again at the express wish of the Secretariate of State, the Apostolic Nunciature in Berlin made a protest, by the Verbal Note N. 44007 of December 4th 1941, against the deportation and exile imposed upon the Bishop of Lodz and his Auxiliary; and asked for their return to the diocese. Your Reichsministry for Foreign Affairs, in the Verbal Note III 397 of February 23rd 1942, replied that the Prelates had been transferred in the preceding August to the convent of the Franciscan Fathers at Biecz "aus sicherheits-polizeilichen Gründen" (for security police reasons) and that since that date they had not left "ihren dortigen Aufenhaltsort" (their place of residence there).

If the lot of their Excellencies the Bishops has been a source of anxiety for the Holy See, the condition of an immense number of priests and religious has caused it and still causes it no less grief.

In the territory now called "Warthegau", more than two thousand priests exercised their ministry before the war; they are now reduced to a very small number.

According to accounts received from various quarters by the Holy See, in the first months of the military occupation not a few members of the secular clergy were shot or otherwise put to death, while others - some hundreds - were imprisoned or treated in an unseemly manner, being forced into employments unbecoming their state and exposed to scorn and derision.

Then, while numbers of ecclesiastics were exiled or constrained in some other way to take refuge in the "Generalgouvernment", many others were transferred to concentration camps. At the beginning of October 1941, the priests from the dioceses of the "Warthegau" detained in Dachau already numbered several hundreds; but their number increased considerably in that month following a sharp intensification of police measures which culminated in the imprisonment and deportation of further hundreds of ecclesiastics. Entire "Kreise" (districts) remained thus completely deprived of clergy. In the city of Poznan itself the spiritual care of some 200,000 Catholics remained in the hands of not more than four priests.

No less painful was the fate reserved for the regular clergy. Many religious were shot or otherwise killed; the great majority of the others were imprisoned, deported or expelled.

H1112-0051

In the same way, far-reaching measures were taken against the institutions preparing candidates for the ecclesiastical state. The diocesan seminaries of Gniezno and Poznan, of Wladislavia, and of Lodz were closed. The seminary in Poznan for the training of priests destined to work among Polish Catholics abroad was also closed.

The novitiates and houses of formation of the religious Orders and Congregations were closed.

Not even the Nuns were able to continue their charitable activities without molestation. For them were set up a special concentration camp at Bojanowo (Schmuckert), where towards the middle of 1941 about four hundred sisters were interned and employed in manual labour. To a representation of the Holy See made through the Apostolic Nunciature in Berlin (Memorandum n. 40.348 of June 11th 1941) your Reichministry for Foreign Affairs replied in the Memorandum Pol. III 1886 of September 28 of the same year, that it was only question "um eine mit Einvernehmen des Reichsstatthalters für den Reichsgau Wartheland Getroffene, vorübergehende Massnahme, um der Obdachlosigkeit polnisch-katholischer Schwestern zu begegnen" (of a temporary measure, taken with the consent of the Reichslieutenant for Wartheland, in order to supply the lack of housing for Polish Catholic Sisters). In the same Memorandum it was admitted that as a result of reorganization of charitable institutions many Catholic Sisters were without employment.

But, in spite of the fact that this measure was declared to be temporary, it is certain that towards the end of 1942 some hundreds of Nuns were still interned at Bojanowo. It is established that for some time the Religious were deprived even of spiritual help.

Likewise in the matter of education and religious instruction of youth, no attention was paid in the "Warthegau" to the rights of the Catholic Church.

All the Catholic schools were suppressed.

A decree of the Reichslieutenant, dated August 19th 1941, established that Religion classes for young Germans could be conducted only for those between 10 and 18 years of age and only in places assigned to religious worship and for one hour a week, between 3 and 5 p. m. It was also prescribed that the police should be informed beforehand regarding the time, the place, and the personnel assigned to the task of teaching. These dispositions were relaxed somewhat, especially in regard to the time-table, by a decree of November 17th, 1941.

Several churches were closed to public worship from the first months of the occupation; very many more were closed afterwards, especially in October 1941. From them on, many districts remained completely without official places of worship, while some churches were afterwards opened only to Catholics of a determined nationality.

Besides, in the churches which remained open, although so restricted in number, the practice of religion was made increasingly more difficult; for it was reserved to

H1112 - 0052

determined hours, which proved to be few and insufficient on feast days, and very few on week-days. For example, the time-table fixed by the Reichslieutenant's office for Polish Catholics in the winter of 1940-41 set forth:

Divine service on Sundays and feast-days recognized by the law: from 8 a. m. to 11;

Masses on week-days: from 8 a. m. to 9 (on Saturday in the presence of the faithful; on the other days without the faithful);

Instruction of the young for Confession and Communion: Wednesday, from 2 p. m. to 4;

Confession for adults: Saturday from 2 p. m. to 6.

The same arrangements hold for the present winter (1942-1943) with one exception that, on feast-days, divine service is allowed from 7 a. m. to 10:30.

It was also forbidden for the faithful of one parish (Kirchengemeinde) to go to the church of another parish.

Besides, in regard to public worship and sacred functions, the most rigourous separation between the faithful of German nationality and those of Polish nationality was imposed. It was forbidden for Polish Catholics to frequent places of worship served by German priests as it was for German Catholics to assist at functions celebrated by Polish priests; the observance of this separation was enforced, and continue to be enforced even in the gravest situations, and even at the hour of death, so that in consequence the faithful are often deprived of the consolation of the last Sacraments.

An Ordinance of October 3rd, 1941 applied the principle of separation according to nationality even to the cemeteries, which moreover are taken away from the possession of ecclesiastical bodies.

The use of the Polish language in sacred functions, and even in the Sacrament of Penance, was forbidden. Moreover - and this is a matter worthy of special mention and is at variance with the natural law and with the dispositions accepted by the legal systems of all nations - for the celebration of marriage between Poles the minimum age-limit was fixed at 28 years for men and 25 years for women.

Catholic Action was so badly hit as to be completely destroyed. The National Institute, which was at the head of the whole Catholic Action Movement in Poland, was suppressed; as a result all the associations belonging to it, which were flourishing, as well as all Catholic cultural, Charity and social service institutions were abolished.

In the whole of the "Warthegau" there is no longer any Catholic press and not even a Catholic bookshop.

Grave measures were repeatedly taken with regard to ecclesiastical property.

Many of the churches closed to public worship were turned over to profane uses. From such an insult not even the

H1112-0053

Cathedrals of Gniezno, Poznan, Wladislavia and Lodz were spared. Episcopal residences were confiscated, the real estate belonging to the seminaries, convents, diocesan museums, libraries and Church funds were confiscated or sequestered.

After the Ordinance of the Government of the Reich, dated September 17th 1940, "über die Behandlung von Vermögen der Angehörigen des ehemaligen polnischen Staates" (on how to deal with the goods of subjects belonging to the erstwhile Polish State) and the decree of the Reichslieutenant in Wartheland dated November 19th 1941 - which we shall mention later - the work of spoliation was complete.

The repeated interventions of the Apostolic Nunciature at Berlin in defence of ecclesiastical property had no effect. The Papal representative called attention to the dispositions of the Code of Canon Law (can. 1499); but your Reichsministry for Foreign Affairs replied (Verbal Note Pol. III 960 of May 19th, 1941) that this was a matter of the internal law of the Church, "das hier keine Anwendung findet" (which does not apply here). The Apostolic Nuncio, in the name of the Holy See, pointed out that this was a matter of law belonging to the Constitution of the Catholic Church and hence possessing the characteristics of universality which derive from the nature and the mission of the same Church - a law consequently that is independent of contractual conventions that may be made with the States.

But your Reichministry for Foreign Affairs rejected every argument and declared unjustified the protest raised by the Apostolic Nunciature against the measures taken in regard to ecclesiastical property, confining itself to the repeated statement (Verbal Note Pol. III 1801 of October 10th 1941) "dass nach der Auffassung der Reichsregierung das Kanonische Recht rein innerkichliches Recht ist" (that according to the views of the Reichs Government, Canon Law is a law entirely internal to the Church); accordingly in the cases in question, only German law should be applied.

Even before ecclesiastical property was affected, the allowances to the Clergy had been abolished.

On March 14th 1940, the Reichslieutenant in the "Warthegau" published an Ordinance by which he introduced the "contributions for worship" which religious associations ("religiöse Vereinigungen und Religionsgesellschaften") could be authorized to collect.

A circular of the same Reichslieutenant, dated February 6th 1941, aggravated the situation still further by affirming that "die Religionsgesellschaften und die religiösen Vereinigungen" (religious associations) were not recognized in the "Warthegau" "als Körperschaften des offenlichen Rechtes" (As corporations acknowledged by public law); at the same time it was established that without permission collections in favour of the Churches could not be made.

On March 25th 1941, a declaration was published from the office of the Reichslieutenant, according to which the authorities were disposed to permit - after the following April 1st - collections in favour of German religious associations in the "Warthegau", but on conditions that these were first formed into "Vereine". Finally, on September 13th

H1112 - 0054

H1112 - 0055

1941, was published the Ordinance N.246 "uber religiöse Vereinigungen und Religionsgesellschaften" (on religious associations).

In this documents the Reichslieutenant declared that instead of the juridical persons of the Catholic Church who were in existence in the Reichsgau Wartheland on September 1st 1939, a single "Religionsgesellschaft" was substituted, which was called by him "Römisch-katholische Kirche deutscher Nationalität im Reichsgau Wartheland" (The Roman Catholic Church of German nationality in the Reichsgau Wartheland) and was recognized as "a juridical person of a private character."

The ordinance then established that the Reichslieutenant could give legal capacity to other "religiösen Vereingungen und Religionsgesellschaften" (religious associations); it demanded, however, that their statutes, as also those of the "Römisch-katholischen Kirche deutscher Nationalität im Reichsgau Wartheland" should be presented to the Reichslieutenant for approval.

According to another disposition of the above-mentioned Ordinance no person can be designated a member of the Council ("Vorstandsmitglied") of the "religious associations" in question unless the Reichslieutenant has first declared that he has no objections of a general political character against him, while it is enough that such objections be established afterwards, for the "Vorstandsmitglied" to lose his post forthwith.

The administrative regulations published by the Lieutenant's office for the application of the Ordinance of September 13th 1941 made the situation of the Catholics in that region still more difficult.

For example, on November 19th 1941 came a decree of the Reichslieutenant by which among other things it was set forth that, as from the previous September 13th, the property of the former juridical persons of the Roman Catholic Church should pass over to the "Römisch-katholischen Kirche deutscher Nationalität im Reichsgau Wartheland", in so far as, on the request of the above-mentioned "Religionsgesellschaft", such property shall be recognized by the Reichslieutenant as "non-Polish property." In virtue of this decree practically all the goods of the Catholic Church in the "Warthegau" were lost.

On February 12th 1942, the office of the Reichslieutenant published dispositions to make it easy for people to leave the "religious associations." It is established, even, that here and there flysheets were distributed with a formula to be signed, declaring: "that one did not belong to any Church association in Wartheland, and would never enter such an association within the confines of the Great German Reich." The office of the Reichslieutenant itself does not seem foreign to pressure which is being put on the faithful to induce them to abandon all religious affiliations.

What has been so far set forth represents only a part of what has been done in the "Warthegau" to the detriment of religions and of the rights of the Catholic Church.

To this state of affairs the Apostolic Nunciature at Berlin repeatedly called the attention of your Reichsministry for Foreign Affairs: among other occasions, by the

Notes of August 14th and September 2nd 1941, in which, after a well-established account of some of the most serious anti-religious measures, there followed a request that freedom of worship should be restored in the "Warthegau." On September 29th 1941, the same Nunciature presented a Verbal Note of protest against the Ordinance published by the Reichslieutenant on the 13th of that same month.

In acknowledging these three diplomatic communications the Reichsminister for Foreign Affairs said that in due time he would return to the question, "sobald sie in Benehmen mit den inneren Stellen geprüft worden ist" (Verbal Note III 1811 II, of September 12th 1941) and "sobald die Prüfung der Angelegenheit durch die inneren Stellen abgeschlossen ist" (Verbal Note III 1963 of October 3rd 1941 ("as soon as it is examined by the offices of the Ministry of the Interior" and as soon as the investigation of the matter by the offices of the Ministry of the Interior is complete"). When the promised answer was not forthcoming, the Apostolic Nuncio, on December 5th of that same year, said to the Secretary of State at the Reichsministry for Foreign Affairs that if his preceding notes could not be answered by the Reichsministry for Foreign Affairs itself, he asked that they should be forwarded to the Head of the State. He heard nothing more of the matter.

If we pass from the "Warthegau" to the other territories in the east, we unfortunately find there, too, acts and measures against the rights of the Church and of the Catholic faithful, though they vary in gravity and extension from one place to another.

In the Provinces which were declared annexed to the German Reich and joined up with the Gaue of East Prussia, of Danzic-West Prussia and of Upper Silesia, the situation is very like that described above in regard to Seminaries, the use of the Polish mother-tongue in sacred functions, charitable works, associations of Catholic Action, the separation of the faithful according to nationality. There, too, one must deplore the closing of churches to public worship, the exile, deportation, the violent death of not a few of the Clergy (reduced by two-thirds in the diocese of Culma and, by at least a third in the diocese of Katowice), the suppression of religious instruction in the schools, and above all the complete suppression in fact of the Episcopate. Actually, after the Bishop of Culma, who had left during the military operations, had been refused permission to return to his diocese, there followed - in February 1941 - the expulsion of the Bishop of Plock (Schröftersburg) and his Auxiliary, who both died later in captivity: the Bishop, the venerable octogenarian Mgr. Julian Anthony Nowowiejski died at Dzialdowo (Soldau) on May 28th 1941, and the Auxiliary, Mgr. Leo Wetmanski, "in a transit camp" on October 10th of the same year.

In the territory called the "Generalgouvernement" as in the Polish provinces which had been occupied by Soviet troops in the period between September 1939 and June 1941, the religious situation is such as to cause the Holy See lively apprehension and serious preoccupation. Without pausing to describe the treatment meted out in many cases to the clergy (priests imprisoned, deported and even put to death), the confiscation of ecclesiastical property, the closing of churches, the suppression even of associations and publications of simply and exclusively religious character, the closing of the Catholic secondary and higher schools and of

H1112 - 0056

the Catholic University of Lublin, let it suffice to recall two series of specially grave measures: those which affect the Seminaries and those which weigh on the Episcopate.

When the buildings of the various Seminaries had been completely or in part occupied, the intention for some time (November 1940-February 1941) was to reduce these institutions for the training of priests to two -- those of Cracow and Sandomir; then the others were permitted to reopen, but only on condition that no new students were admitted, which in practice inevitably means that all these institutions will soon be closed.

As to their Excellencies the Bishops, the Holy See must deplore the fact that they cannot pursue their activities with the necessary liberty. Besides, two dioceses in particular are completely deprived of Bishops: that of Pinsk, through the Auxiliary being refused permission to return after he had left when the Bolshevist troops arrived, and that of Lublin as a result of the sentence passed in November 1939, on Mgr. Marian Leo Fulman and his Auxiliary. Mgr. Fulman was exiled in a district of the Tarnow diocese, and the Auxiliary, Mgr. Vladislas Goral, was sent to a concentration camp in Germany. Moreover, in March 1942, the Archbishop of Wilno, Mgr. Romuald Jalbrzykowski, was deported from his city and archdiocese and confined in a convent.

Mention has several times been made already of ecclesiastics deported or confined in concentration camps. The majority of them were transferred to the Altreich, where their number already exceeds a thousand.

When the Holy See asked that they should be liberated and be permitted to emigrate to neutral countries of Europe or America (1940), the petition was refused; it was only promised that they should all be collected in the concentration camp at Dachau, that they should be dispensed from too hard labour, and that some should be permitted to say Mass, which the others could hear.

The treatment of the ecclesiastics interned at Dachau, which, for a certain time, in 1941, was in fact somewhat mitigated, worsened again at the end of that year. Particularly sorrowful were the announcements whic for many months, in 1942, came from that camp of the frequent deaths of priests, even of some young priests among them.

It is, finally, not without intense pain that we note how the civil authorities have very seriously restricted religious ministry in favour of Polish Catholic laymen employed in the territory of the Altreich, and of their children.

By a regulation of September 2nd, 1942, the Reichsministry for Ecclesiastical Affairs decreed that civilian workers of Polish nationality may be assisted spiritually only through special sacred functions. These functions can take place-- except on the great feasts -- only on the first Sunday of each month and at fixed hours. On principle the use of the mother tongue of these Catholic workers is forbidden even in the most secret and absolutely private Sacrament of Confession: the only concession made is that texts in that language may be used to prepare the faithful for "general absolution" and for Holy Communion.

Polish Catholics are not allowed to contract marriage in the territory of the Altreich; just as requests for religious instruction or instruction in preparation for confession and Holy Communion for the children of these workers are, in principle, not accepted. Moreover, all that has been recorded above was carried out with unremitting precaution to keep the Holy See out of the way; in fact direct communication was rendered almost impossible between it and the Episcopate of the territories mentioned, notwithstanding its direct interest in the religious life of all Catholics.

H1112-0057

H1112 -0058

In spite of strong and reiterated appeals, made also on the occasion of Your Excellency's visit to the Holy Father in March 1940 -- as you will well remember, -- the Holy See has not been permitted to send a Representative (Apostolic Visitor or Delegate) to those parts. It has not even been possible to put into effect the Papal plans for relief, already completed in favour of those sorely-tried peoples.

Nevertheless the Holy See has hitherto maintained the greatest reserve, confining its action -- which has always been exclusively inspired by spiritual principles, that is the good of souls -- to diplomatic steps with respect to the Reich authorities. It has waited for its policy to be fully appreciated so that of itself it might induce the same competent Authorities to change voluntarily their attitude towards Catholics and towards religious freedom.

The Holy See is unwilling to abandon its feeling of confidence even today, when through me, in fulfilment of a sacred duty that every hour becomes graver and more insistent, it presents this new document. It hopes therefore that the present exposition, arresting the attention of the Government of the Reich, as it should by the mass of detail contained in it, may also induce it to put an end to such a painful situation created by dispositions which run counter to natural and divine right.

I do not doubt that Your Excellency will be willing to give what I have just expounded your most careful consideration, and, with the high authority which you possess, contribute effectively to the restoration of religious liberty to the Catholics in the above mentioned territories.

I gladly take this occasion to beg Your Excellency to accept the assurance of my highest esteem.

L. CARD. MAGLIONE

DOCUMENT NO. 3265-PS
OFFICE OF U.S. CHIEF OF COUNSEL

H1112 - 0059

(SEAL)

SEGRETERIA DI STATO

DI SVA SANTITA

THE VATICAN, November 13th, 1945

I, D o m e n i c o T a r d i n i, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of three printed pages and entitled:

"Religious Assistance for the Polish Catholic Workers in Germany - Part I (November 18th 1942)" (pp.16-18)

is a true and correct translation into the English language from the Latin language of a carbon copy now in the possession of the Secretariate of State of his Holiness of a document, the original of which was dispatched to His Eminence the Cardinal Archbishop of Breslau.

(signed) Domenico Tardini

DOCUMENT NO. 3265-PS
OFFICE OF U.S. CHIEF OF COUNSEL

RELIGIOUS ASSISTANCE FOR THE POLISH CATHOLIC WORKERS IN GERMANY

On November 18th 1942, His Eminence the Cardinal Secretary of State addressed a letter to His Eminence the Cardinal Archbishop of Breslau in which he recommended to his kindly interest the lot of the Polish workers transported to Germany for whom the German civil authorities had forbidden or made very difficult the fulfilment of their religious duties. His Eminence Cardinal Bertram replied on December 7th 1942, describing and deploring the sad condition of these unfortunates. We reproduce both documents.

H1112-0060

I

SECRETARIATE OF STATE
OF HIS HOLINESS

N. 8111/42

Vatican, November 18th 1942

Your Eminence,

In the past you have with praiseworthy zeal taken up the cause of the Polish Catholics, both those who lived in Polish territory, especially in the part of it which adjoins or is near the boundaries of your Archdiocese, and those who found themselves, because of their employment or for other reasons in the "Altreich".

On this account I approach you with more confidence, to ask you to turn your attention, with your accustomed comprehension and charity, to two matters relating to the Polish Catholics. It is possible and even probable that you have already acted in regard to them.

In the first place I would ask you to give your consideration to the regulations of the Ministry of the German Reich for Ecclesiastical Affairs, of which you were informed in a letter of September 2nd of this year.

I need not tell you how much anxiety such regulations have caused to the Apostolic See. For by them an immense multitude of Catholics is deprived of the consolations of religion, and finds difficulty in frequenting the Sacraments of Holy Church. There is, besides, the fact that the civil authorities arrogate to themselves the right to legislate for the administration of the Sacraments, and expose them to the danger of nullity and even sometimes forbid the administration of the Sacraments as in the case of matrimony.

Since matters have reached this grave and harmful state, please employ, as you have done in the past, your greatest endeavour to secure that the Polish Catholic workers employed in various occupations in the "Altreich" and their children be granted liberty to practise their religion and to profess their faith and to frequent the Sacraments without hindrance, as is their right.

The second question refers to the Polish priests who are detained in certain concentration camps. As farback as October 1940 the Apostolic See, at the request of a German Bishop, commissioned the Apostolic Nuncio at Berlin to approach the Government there, and request that it should allow the many Polish ecclesiastics who were interned in certain localities to emigrate to neutral countries in Europe or America. But the petition scarcely met with a favourable response. For the German Government refused to grant the request, and only promised that it would grant some mitigations of their treatment sought by the German Bishops, viz. that all ecclesiastics in question should be collected in one camp (Dachau), should be relieved of over-strenuous work, that some of them might say Mass every day and that others might assist at it.

In fact, although not a few priests remained in concentration camps elsewhere, the conditions at least for those in Dachau were made somewhat more tolerable.

But once again, a few months ago, their lot changed for the worse.

The Apostolic See knows that besides the Polish priests there are others, including Germans, detained in the above mentioned concentration camps and it embraces them all with the same zeal and solicitude in its endeavour to bring them, as far as it can, some alleviation in their bitter sufferings.

Among other things it has recently been learnt that the number of German priests who die there--a number which before was certainly unprecedented and undoubtedly too great--has been reduced to the average; but alas, that the death-rate of Poles--even of young men--is unfortunately still on the increase. The Apostolic Nuncio at Berlin is constantly meeting with increased opposition in his efforts to help the Catholic Poles: and this to such a point, that many of them suffer and die without knowing what anxious endeavours the Holy Father is making on their behalf.

Accordingly I recommend them to your merciful zeal and intervention and I know that I shall not appeal for your help in vain. You know too that His Excellency the Most Rev. Michael Kozal, titular Bishop of Lappa, auxiliary to the Bishop of Wladislavia has been put into the Dachau concentration camp, and that His Excellency the Most Rev. Vladislaus Goral, titular Bishop of Meloë in Isauria, Auxiliary to the Bishop of Lublin, has probably been put into Oranienburg-Sachsenhausen. If you can do so, and it is permitted, give them a special proof of Christian charity by your help and sympathy.

Be assured that whatever you do to comfort these afflicted ones whom I have mentioned will be very pleasing to the Holy Father, Who is greatly concerned for them, and deeply sympathizes with them in their misfortunes, as He does with all poor sufferers.

In the meantime, with all due veneration I kiss your hands, and remain

Your Eminence's
Most devotedly and faithfully
L. Card. Maglione.

Exhibit USA 573
Filed Jan. 8, 1946

DOCUMENT NO. 3266-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(SEAL)

SEGRETERIA DI STATO

DI SVA SANTITA

THE VATICAN, November 13th 1945

I, D o m e n i c o T a r d i n i, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of eight printed pages, and entitled:

"Religious Assistance for the Polish Catholic Workers in Germany - Part II (December 7th 1942)" (pp.19-26)

is a true and correct translation into the English language from the Latin language of a carbon copy of a document now in the possession of the Secretariate of State of His Holiness.

(signed) Domenico Tardini

DOCUMENT NO. 3266-PS
OFFICE OF U. S. CHIEF OF COUNSEL

II

PRESIDENT
OF THE BISHOPS' MEETINGS
AT FULDA

Breslau, December 7th 1942.

Your Eminence,

On November 30th, I received your Eminence's esteemed Rescript of November 18th (No.8111) about the very serious grievances which show clearly the dangers which threaten the Catholic position in Germany in our day. Not only has grave harm been done in the past few years to the liberty of the Church and its Institutions and rights, and to the integrity of its temporal goods, but openly and insidiously the faith itself and the free practice of the Catholic religion have been attacked. About some of the gravest injuries inflicted on the Church I not only protested on each occasion as the individual incident occurred, but, I also made a most formal protest about them in globo in a document which, as spokesman of all the Hierarchy, I sent to the supreme Ruler of the State and to the Ministries of the Reich on December 10th, 1941. Not a word by way of answer has been sent to us.

Your Eminence knows very well the greatest difficulty in the way of opening negotiations comes from the overruling authority which the "National Socialist Party Chancery" (Kanzlei der nazional-sozialistischen Partei, known as the Partei-Kanzlei) exercises in relation to the Chancery of the Reich (Reichskanzlei) and to the single Reich Ministries. This "Partei-kanzlei" directs the course to be followed by the State, whereas the Ministries and the Chancery of the Reich are obliged and compelled to adjust their decrees to these directions. Besides, there is the fact that the "Supreme Office for the Security of the Reich" called the "Reichssicher-heitshauptamt" enjoys an authority which precludes all legal action and all appeals. Under it are the "Secret Offices for Public Security" called "Geheime Staatspolizei" (a title shortened usually to Gestapo) of which there is one for each Province. Against the decrees of this Central Office (Reichssicherheitshauptamt) and of the Secret Offices (Geheime Staatspolizei) there is no appeal through the Courts, and no complaint made to the Ministries has any effect. Not infrequently the Councillors of the Ministries suggest that they have not been able to do as they would wish to, because of the opposition of these Party offices. As far as the executive power is concerned, the organisation called the SS, that is is Schutzstaffeln der Partei, is in practice supreme.

This hastily sketched interrelation of authorities is the reason why many of the petitions and protests made by the Bishops to the Ministries have been foiled. Even if we present our complaints to the so-called Supreme Security Office, there is rarely any reply; and when there is, it is negative.

On a number of very grave and fundamental issues we have also presented our complaints to the Supreme Leader of the Reich (Führer). Either no answer is given, or it is apparently edited by the above-mentioned Party Chancery, which does not consider itself bound by the Concordat made with the Holy See.

Having said this much by way of general introduction, I may note that the vigilance and open methods of all the German Hierarchy are proved by the reports which the individual Bishops and I, as President for the time being of the Bishops' Meetings at Fulda, have very frequently presented to His Excellency the Apostolic Nuncio at Berlin, and by the Protocol of the Fulda Meetings. Every action that we have to take is bristling with difficulties and fraught with very intense anxiety of conscience, and even in a sense with anguish; for while on the one hand we have to defend most tenaciously the

the fundamentals of the Faith and the rights of the Church, we cannot, on the other hand, overlook the question, what in view of present circumstances is the more opportune course to take in relation to the Ministerial "constellation", and the public opinion. We have not neglected to maintain constant contact with His Excellency the Apostolic Nuncio at Berlin.

To come to those grievances, which are enumerated in your Eminence's kind letter of November 18th, it is evident that the decrees contained in the edict of the Ministry for Ecclesiastical Affairs of September 2nd of this year constitute a serious blow to the rights and duties of the Catholic Church in regard to the care of souls and sacred liturgy, as well as to the right of every single Catholic Polish worker transferred to Germany for various works, of practising freely the Catholic religion. The individual sections of this Decree did not emanate from the original intention of the Ministry in question, but are, as is obvious from a consideration of the evolution of the documents as time went on, the interpolations of the Party Offices spoken of above.

To mention some of the most obnoxious documents, it is first of all

1

greatly to be deplored that all priests are forbidden to instruct the children of Polish workers in the Catholic religion. On December 31st, 1941, I petitioned the Ministry for Ecclesiastical Affairs in the name of all the Bishops of Germany that we might not be forbidden to prepare these children between the ages of eight and twelve years for their first Confession and Holy Communion. But such preparation of the children has been strictly forbidden.

2

On August 17th 1941, I sent a solemn protest to the Ministry for Ecclesiastical Affairs against the Edict of the Governor of Upper Silesia dated June 24th, 1941, and of other Government offices, by which it was most strictly forbidden for German priests under pain of being sent to a concentration camp, to extend their care of souls to Poles.

3

There is the further grievance that we may not give to Poles any religious printed matter by way of instruction. For the use of Polish workers in the Archdiocese of Breslau a booklet of prayers and hymns was published in Polish under the title "Droga do Nieba" (The Way to Heaven). This booklet was officially passed by the Supreme Command of the German Army and 120,000 copies were distributed, with very good results, all over Germany. But on July 15th 1941, the use and the distribution of this booklet were forbidden.

4

In regard to the care of the souls of Polish workers, the Ministry for Ecclesiastical Affairs gave the following permissions on June 13th 1940:

a) that on Sunday and feast days Poles might be present at liturgical service, but on condition that the Poles should assist at a Mass said for them only, apart from the parishioners,—or, in case of local necessity, they might even assist at the parish Mass, but gathered in a distinct section of the church benches;

b) that in case of necessity, Bishops may send specially chosen priests to undertake spiritual ministry among the Poles: they may visit suitable places to celebrate the Divine Service for the Poles at convenient hours.

H1112 - 0064

But all these concessions were revoked on July 15th 1941.

Your Eminence is aware that, by Edict of the Ministry for Ecclesiastical Affairs of September 2nd 1942 a most stringent prohibition on liturgical service for Poles has been imposed, so that they may be present at Mass only once a month, and all use of the Polish tongue is abolished.

5

For some years past from the Breslau Curia we have published each month the text of a short discourse, which might be used for the sermon at the Sunday Mass. The text was printed in German, Polish and French, and was freely used in various dioceses of Germany. Now the use of these sermons is forbidden because the Polish language may not be spoken.

6

Then there is this most deplorable of all grievances for individual souls, that one may not allow them to come singly to make oral confession of their sins in order to receive the sacrament of Penance. To give an example, an excellent parish priest of my diocese has incurred the penalty of being sent to a concentration camp for not having repulsed, while hearing Confessions in the parish church, a Polish workman who had taken his place in the line, and came into the confessional. Now we are allowed to have a general Confession and general absolution only once a month, a practice which neither secures peace of soul nor certainty as to the validity of the absolution by reason of the lack of proper dispositions.

7

When one considers all this, one does not wonder that the religious fervour of the Poles is suffering greatly, and that their moral integrity is exposed to great dangers. There is, moreover, the difficulty of contracting valid marriages, since German priests may not assist at Polish weddings. If, on the other hand, the engaged couples are advised to celebrate Matrimony without the assistance of a priest after the manner permitted by Canon 1098 of the Code of Canon Law, there is not sufficient provision for their peace of soul, nor for the certainty of the registration in the parish books.

This is an outline of the most urgent grievances.

I have never omitted to send formal protests against the intolerable decrees mentioned here to the Ministry for Ecclesiastical Affairs, setting forth the reasons why each of the edicts is not only insupportable, but even harmful and ruinous to the common good of the whole nation. Along with me each of the other members of the Hierarchy, in whose dioceses these edicts were more odiously enforced, asked separately for a remedy. And in each case His Excellency Bishop Wienken, who lives in Berlin and has been deputed by the Fulda meetings to deal with the Ministries, supported our petitions and the reasons for them in a personal interview. But all was in vain. The reason is the intense aversion of the Party to the Poles and the distrust, born of fear that through secret Polish agitation too many difficulties may arise for the security of the present State. The Poles have the deep-set hope and enthusiastic expectation that the Polish Realm will be restored and rise again. Hence they are all, without exception, taken by the German Government for enemies of the present German State. And German priests who out of a sense of duty and charity must denounce all injustice and dispense to every Christian without making national discriminations, the treasures of Christian doctrine, and must work to the best of their ability for the salvation of all souls, are looked upon, in consequence of this all-embracing charity of theirs—even though it is exercised for exclusively supernatural ends—with the greatest mistrust as if they were unlawfully in favour of the enemies of the present State, and their political aims. Accordingly all our petitions and statements are suspect

H1112 - 0065

and are scarcely listened to. Hence arises the unhappy state of affairs which no one can remedy.

About the Concentration Camps

We have been able, up to the moment, to learn little, because we know scarcely anything of the reason why the individuals are sent there, of the treatment they receive, of their fate, their health or their needs. Those who are put into the camps are compelled by threat of the severest penalties to maintain the strictest silence about all that happens in the camps; as a result they dare not say anything. All the bishops feel the deepest sympathy and a keen sense of pity for those in concentration camps, especially as we are persuaded that the great majority of those held there are innocent. Many of the clergy of my diocese have died there—men whom I held in special esteem and love for their upright life and conduct, known to the whole people.

His Excellency, Bishop Wienken, of whom I spoke above, deals continually, at the instance of the Bishops ordinary, with the Councillors of the above mentioned Reichssicherheitshauptamt office, whenever there is question of taking special care of an individual internee.

At the request of the priests held in Dachau, I sent them on February 25th 1941 one hundred and twenty Roman Breviaries, and on June 27th 1942 a number of Mass vestments and a large Ciborium for Holy Communion.

On July 2nd 1938, December 4th 1940 and June 3rd 1942 I made an urgent appeal to the authorities of the concentration camps that the celebration of Mass should be allowed in other camps as in Dachau, and that spiritual ministry should be allowed, especially among the sick and the dying. I also presented a petition that the bodies of those who die should not be indiscriminately burned, but should be given due burial whenever they had asked for it. This petition was rejected.

On the number of priests detained in Dachau and the number of those who have died there I have begun a statistical report for all the dioceses of Germany to cover the years 1940, 1941, 1942. I was not able to extend these lists (which include also those killed in the war) to the Polish dioceses, because it is impossible to get exact figures from Posnan-Gnesno and other Polish dioceses. The Very Reverend diocesan administrators could scarcely say how many of the priests absent from home are in various concentration camps, in Dachau and elsewhere: how many have been exiled to other regions; how many are dead. If I were to ask them myself I doubt if they could give a reliable answer.

For the rest, I shall consult with Bishop Wienken, so that he may have certain information on the questions which your Eminence raised.

It is not however to be hoped that the Government or the Party will allow the emigration of priests interned in the concentration camps. For on account of the mistrust of which I spoke there is no doubt of their fear, that the priests emigrating to foreign parts would spread reports extremely unpleasant for the Government and the Party.

With all reverence and humility, I remain

Your Eminence's obedient servant

A. Card. Bertram Archbishop of Breslau.

H1112-0066

DOCUMENT NO. 3267-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(SEAL)

SEGRETERIA DI STATO

DI SVA SANTITA

THE VATICAN, November 13th 1945

I, D o m e n i c o T a r d i n i, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of 2 printed pages and entitled:

"Verbal note of the German Embassy to the Holy See to the Secretariate of State of His Holiness (August 29th, 1941)" (pp.1-2)

is a true and correct translation into the English language from the German language of an original document received by the Secretariate of State of His Holiness from the German Embassy, and now in the possession of the Secretariate.

(signed) Domenico Tardini

DOCUMENT NO. 3267-PS
OFFICE OF U. S. CHIEF OF COUNSEL

VERBAL NOTE OF THE GERMAN EMBASSY TO THE HOLY SEE TO THE SECRETARIATE OF STATE OF HIS HOLINESS (August 29th 1941)

This Verbal Note shows what the claims of the German Government regarding the nomination of local Ordinaries were. The document acquires greater importance when it is remembered that even as early as July 27th 1940 the German Ambassador to the Holy See had verbally declared to the Secretariate of State that the episcopal sees, both in the Protectorate of Bohemia and Moravia and in Poland would have to be conferred on German priests or at least on priests of German origin.

The appointments recently made by the Holy See of various Apostolic Administrators for the administration of episcopal offices in the territories subject to German sovereignty gives the Government of the Reich occasion to communicate the following:

In view of the importance that attaches to the coferring of all the high offices of the Roman Catholic Church, the Government of the Reich cannot renounce the right to be heard before such offices are conferred; a right which belongs to it in virtue of its sovereignty. It must, on the contrary, attach importance to its being given the possibility of having its objections of a general political character heard before the conferring of the offices of Archbishop, Bishop, Coadjutor with the right of succession as also of independent Prelate (Praelatus Nullius) in the entire new territory of the Reich, together with Alsace, Lorraine, Luxemburg and the freed territories of Lower Steyer, Kärnten and Krain and also of the General Government area (Generalgouvernement). Moreover the Government must claim this right also in cases where the administration of the above-mentioned ecclesiastical offices is to be in the hands of an Apostolic Administrator, or of a Vicar Capitular beyond a reasonable time or finally of any other diocesan administrator whatsoever.

In the interest of uniformity in administration throughout the entire sovereign territory of the Reich, the Government must further attach importance to the fact that, within the old territory of the Reich, the appointment of ecclesiastical dignitaries of the kind just mentioned (Apostolic Administrators, Vicars Capitular and other diocesan administrators) be not made unless the Government has been similarly approached beforehand confidentially, and given the opportunity to submit for consideration any objections of a general political character it may at the time have against the proposed candidates.

The Government of the Reich therefore asks the Holy See before conferring in future any Ecclesiastical offices of the kind above mentioned, to afford it, by means of an appropriate communication, the opportunity to submit for consideration any possible difficulties of a general political character.

H1112 - 0068

Document No. 3268-PS
OFFICE OF U. S. CHIEF OF COUNSEL

EXCERPTS FROM ALLOCUTION OF HIS HOLINESS
POPE PIUS XII
TO THE SACRED COLLEGE
June 2nd, 1945

Tipografia Poliglotta Vaticana
1945
(pp. 4, 5, 6, 7, 8, 9)
(A public address of Pope Pius XII reported in newspapers of the world on 3 June 1945)

*** For over twelve years - twelve of the best years of Our mature age - We had lived in the midst of the German people, fulfilling the duties of the office committed to Us. During that time, in the atmosphere of liberty which the political and social conditions of that time allowed Us, We worked for the consolidation of the status of the Catholic Church in Germany. We thus had occasion to learn the great qualities of that people and We were personally in close contact with its most representative men. For that reason We cherish the hope that it can rise to new dignity and new life when once it has laid the satanic spectre raised by National-Socialism and the guilty (as We have already, at other times had occasion to expound) have expiated the crimes they have committed.

While there was still some faint glimmer of hope that that movement could take another and less disastrous course, either through the disillusionment of its more moderate members or through effective opposition from that section of the German people which opposed it, the Church did everything possible to set up a formidable barrier to the spread of ideas at once subversive and violent.

In spring 1933 the German Government asked the Holy See to conclude a Concordat with the Reich: the proposal had the approval of the Episcopate and of at least the greater number of German Catholics. In fact they thought that neither the Concordats up to then engotiated with some individual German States (Länder) nor the Weimar Constitution gave adequate guarantee or assurance of respect for their convictions, for their faith, rights or liberty of action. In such conditions the guarantees could not be secured except through a settlement having the solemn form of a Concordat with the Central Government of the Reich. It should be added that, since it was the Government that made the proposal, the responsibility for all regrettable consequences would have fallen on the Holy See, if it had refused the proposed Concordat.

It was not that the Church, for her part, had any illusions built on excessive optimism, or that, in concluding the Concordat, she had the intention of giving any form of approval to the teachings or tendencies of National-Socialism; this was expressly declared and explained at the time (cfr. L'Osservatore Romano, No. 174, July 2nd, 1933). It must, however, be recognized that the Concordat, in the years that followed, brought some advantages, or at least prevented worse evils. In fact, in spite of all the violations to which it was subjected, it gave Catholics a juridical basis for their defence, a stronghold behind which to shield themselves in their opposition - as long as this was possible - to the ever growing campaign of religious persecution.

The struggle against the Church did, in fact, become ever more bitter: there was the dissolution of Catholic organizations; the gradual suppression of the flourishing Catholic schools, both public and private; the enforced weaning of youth from family and Church; the pressure brought to bear on the conscience of citizens, and especially of civil servants; the systematic defamation, by means of a clever, closely-organized propaganda, of the Church, the clergy, the faithful, the Church's institutions,

teaching and history; the closing, dissolution, confiscation of religious houses and other ecclesiastical institutions; the complete suppression of the Catholic press and publishing houses.

To resist such attacks millions of courageous Catholics, men and women, closed their ranks around their bishops, whose valiant and severe pronouncements never failed to resound even in these last years of war. These Catholics gathered around their priests to help them adapt their ministry to the ever-changing needs and conditions. And, right up to the end, they set up against the forces of impiety and pride their forces of faith, prayer, and openly Catholic behaviour and education.

In the meantime the Holy See itself multiplied its representations and protests to governing authorities in Germany, reminding them, in clear and energetic language, of their duty to respect and fulfil the obligations of the natural law itself that were confirmed by the Concordat. In those critical years, joining the alert vigilance of a Pastor to the long-suffering patience of a father, Our great Predecessor Pius XI fulfilled his mission as Supreme Pontiff with intrepid courage.

But when, after he had tried all means of persuasion in vain, he saw himself clearly faced with deliberate violations of a solemn pact, with a religious persecution masked or open, but always rigourously organized, he proclaimed to the world, on Passion Sunday 1937, in his Encyclical "Mit brennender Sorge," what National-Socialism really was: the arrogant apostasy from Jesus Christ, the denial of His doctrine and of His work of redemption, the cult of violence, the idolatry of race and blood, the overthrow of human liberty and dignity.

* * *

"Whoever sets up race, or the people, or the State, or a particular form of State, or the depositories of power, or any other fundamental value of the human community.... to be the supreme norm of all, even of religious values, and divinizes them to an idolatrous level, distorts and perverts an order of the world planned and created by God" (cfr. Acta Apost. Sedis, vol. XXIX, 1937, pp. 149 and 171).

* * *

If the rulers of Germany had decided to destroy the Catholic Church even in the old Reich, Providence had decided otherwise. The tribulations inflicted on the Church by National-Socialism have been brought to an end through the sudden and tragic end of the persecutor!

From the prisons, concentration camps and fortresses are now pouring out, together with the political prisoners, also the crowds of those, whether clergy or laymen, whose only crime was their fidelity to Christ and to the faith of their fathers or the dauntless fulfilment of their duties as priests. For them all We have prayed and have seized every opportunity, whenever the occasion offered, to send them a word of comfort and blessing from Our paternal heart.

Indeed the more the veils are drawn which up to now hid the sorrowful passion of the Church under the National-Socialist regime, the more apparent becomes the strength, often steadfast unto death, of numberless Catholics, and the glorious share in that noble contest which belonged to the clergy. Although as yet not in possession of the complete statistics, We cannot refrain from recalling here, by way of example, some details from the abundant accounts which have reached Us from priests and laymen who were interned in the concentration camp of Dachau and were accounted worthy to suffer reproach for the name of Jesus (Acts 5, 41).

In the forefront, for the number and harshness of the treatment meted out to them, were the Polish priests. From 1940 to 1945, 2,800 Polish ecclesiastica and religious were imprisoned in that camp; among them was the Auxiliary bishop of Wloclawek, who died there of typus. In April last there were left only 816 all the others being dead except for two or

H1112 -0070

three transferred to another camp. In the summer of 1942, 480 German-speaking ministers of religion were known to be gathered there; of these, 45 were Protestants, all the others Catholic priests. In spite of the continuous inflow of new internees, especially from some dioceses of Bavaria, Rhenania and Westphalia, their number, as a result of the high rate of mortality, at the beginning of this year, did not surpass 350. Nor should we pass over in silence those belonging to occupied territories, Holland, Belgium, France (among whom the Bishop of Clermont), Luxembourg, Slovenia, Italy. Many of those priests and laymen endured indescribable sufferings for their faith and for their vocation. In one case the hatred of the impious against Christ reached the point of parodying on the person of an interned priest, with barbed wire, the scourging and crowning with thorns of our Redeemer.

DOCUMENT NO. 3269-PS
Office of U. S. Chief of Counsel

THE VATICAN, 13 November 1945

SECRETARIAT OF STATE
OF HIS HOLINESS

1. March 15, 1943 – His Excellency the Apostolic Nuncio in Berlin delivered to the Secretary of State of the Ministry of Foreign Affairs the Note of the Most Eminent Cardinal Maglione to His Excellency von Ribbentrop.

2. March 17, 1943 – The Note was returned to the Nuncio, it being said to him that the Note had been read in the offices of the Ministry of Foreign Affairs and that it had not been forwarded to the Foreign Minister since it concerned matters which did not relate to the German Reich.

3. This communication having been received, the Holy See on April 17, 1943 sent to the Nuncio the instructions contained in the Despatch copy of which is attached. (Annex No. 1).

4. The Nuncio carried out these instructions, sending to Herr von Ribbentrop on May 5, 1943 the letter of which a copy is attached (Annex 2).

5. Herr von Ribbentrop replied to the Apostolic Nuncio by letter dated May 25, 1943 (Annex No. 3).

6. To the Nuncio in Berlin who had forwarded Herr von Ribbentrop's reply the Most Eminent Cardinal Maglione sent Despatch No. 4618/43 of July 20, 1943 setting forth the conclusions of the Holy See. (Annex No. 4).

The copies here attached are authentic

DOMENICO TARDINI

DOCUMENT NO. 3269-A
OFFICE OF U. S. CHIEF OF COUNSEL

COPY

ANNEX NO. 1

SECRETARIAT OF STATE
OF HIS HOLINESS
N. 2457/43

FROM THE VATICAN, April 17, 1943

Very Reverend Excellency:

In Communication No. 2431 of March 17 last Your Very Reverend Excellency reported that the Secretary of State in the Ministry of Foreign Affairs had given back to you the letter (N. 1063/43 dated March 2, 1943) addressed by me to Minister von Ribbentrop regarding the serious and systematic difficulties which, in some territories subject to the Reich Authorities, are placed in the way of the free profession of religious faith and the practice of the Catholic religion.

The Government of the Reich persists, therefore, in wishing to make it impossible for the Holy See to take care of the religious interests of the occupied countries, that is to say, to carry out the divine mandate which it has of safeguarding the rights of all Catholics. Your Excellency well realizes how this offends the August Head of the Church, how deep is the pain that it causes Him.

I, therefore, instruct Your Excellency to inform the Government of the Reich in writing

1. that the gesture made by the Ministry of Foreign Affairs is not a friendly one as regards the Holy See;

2. that the Holy See for its part, in view of the manner in which the above mentioned letter was delivered and the time it was held, considers such document as having reached its destination.

Your Excellency will be good enough to keep me informed of the eventual reply, or of the progress of the matter.

I profit, etc.

Signed: L. CARD. MAGLIONE

To His Most Reverend Excellency
Monsignor Cesare Orsenigo
Apostolic Nuncio
BERLIN

DOCUMENT NO.3269 -B
OFFICE OF U. S. CHIEF OF COUNSEL

COPY

Annex No. 2
52173
5 May 1943

Mr. Reich Minister:

By written message of 2 March, this year, his eminence the Cardinal-Secretary of State gave me the task of delivering to you a sealed letter from him to your excellency regarding the great and continuous difficulties, which the exercise of the Catholic cult and the free confession of faith encounters in certain of the areas subject to the German Reich.

I had the honor of handing this message to the State Secretary of the Foreign Office on 15 March 1943. The State Secretary received then also the task of immediately having the document come to your excellency's attention.

To my astonishment the State Secretary of the Foreign Office returned the message to me two days later, namely on 17 March, this year, with the explanation that, considering the contents, he could not carry out the task entrusted to him.

As was my duty, I informed the Holy See thereof. Thus the Cardinal-Secretary of State to His Holiness now gives me the task of showing your excellency that this refusal on the part of the Foreign Office was not friendly to the Holy See, and that the Holy See, considering the way in which the transmissal of the message was carried out and the time during which said message was retained, presumes that the document has come to his destination.

I would also like to point out, and your excellency will likewise understand this, that such a treatment, accorded the documents of the Holy See, makes it extremely difficult, if not impossible, for it to fulfill its God-given tasks, of which the protection of religious rights of all Catholics is a part.

With the expression of my special and high regard I have the honor to be

Your Excellency's very devoted

(signed) Cesare ORSENIGO
Archbishop of Ptolemais
Apostolic Nunzio

To His Excellency
Mr Joachim von RIBBENTROP
Reich Minister of Foreign Affairs
Berlin

H1112-0074

DOCUMENT NO. PS-3269-C
OFFICE OF U. S. CHIEF OF COUNSEL

Annex No. 3

The Reich Minister of Foreign Affairs.

Fuschl, 25 May 1943

C O P Y

Mr. Nunzio:

I have received Your Excellency's letter of 5 May and express lively regret that as a result of long absence I have been unable to answer it only today.

In the message Your Excellency communicates to me for the Cardinal-Secretary of State, that the refusal to further forward the letter addressed to me, which you handed to the State Secretary of the Foreign Office on 15 March, was not friendly to the Holy See. The Cardinal-Secretary of State adds thereto "that the Holy See in consideration of the way in which the transmissal of the message was effected, and of the time during which the same was retained, presumes, that the document has come to its destination."

This message from Rome has - I would not like to conceal this from you, Mr. Nunzio - aroused in me a certain astonishment. I would like to doubt, at closer inspection, whether the Cardinal-Secretary of State, for his part, at the imparting of this task regarding the incident, which occurred in connection with the personal message of His Eminence to me, was filled with the friendly spirit, which is fitting to his high position and which he in exercize of said position should moreover display. In fact may I tell you, that the Cardinal-Secretary of State complains unjustly about the handling of this document of the Holy See, and that the conclusions connected therewith regarding my person are likewise unfounded. According to the report demanded by me from the State-Secretary von Weizaecker the affair is explained quite naturally:

After Your Excellency handed to the State Secretary the personal message of the Cardinal-Secretary of State at the time and thereupon observed that Mr. von Weizaecker, as is usual opened the letter, and as it was written in Italian, turned it over to the linguistic service for translation. When the State-Secretary then later became cognizant of the contents and determined that said message concerned matters which referred to the territory of the Warthegau and the General Gouvernement, he did not believe himself in a position to forward the letter to me. He then moreover called Your Excellency to him again and reminded you of the disclosure made to you in the past year, according to which the Reich Government in consideration of the attitude of the curia toward the territorial changes occurring due to German military operations, could not engage in the discussion of questions which referred to other territories than the old Reich. As a result of this it would be best, if, in this case, the letter would be regarded as non-existent by all concerned and in this sense, he, the State-Secretary, would have to ask you, Nunzio, to take back the letter, which request Your Excellency did not delay to follow. So much for the report of the State-Secretary of the Foreign Office.

Insofar as State-Secretary von Weizaecker has requested Your Excellency to take back the letter, he doubtless acted in the interest of all concerned and thereby in accordance with the instructions, which were imparted to him as my assistant, for the handling of these matters with the curia. I can therefore only subsequently approve his mode of action, and once more confirm the above-mentioned basic standpoint which the Reich Government takes in this matter.

H1112 - 0075

As to what concerns the formal aspect of the incident I cannot but express to Your Excellency a slight surprise, that his Eminence the Cardinal-Secretary of State, in full knowledge of our above-mentioned standpoint, considered it correct to entrust you, Nunzio, with a mission about whose essence and hidden content you were not oriented and the execution of which was only with difficulty to be reconciled with diplomatic usages, i.e., with a mission, which you in full cognizance of all circumstances would hardly have been able to or wanted to carry out.

I regret indeed, that you, Nunzio, by carrying out this sealed task have been put into a somewhat uncomfortable position, which probably only could have been alleviated had Your Excellency perhaps had, as a result of a propitious suggestion, an idea of the content of the message in question.

Your Excellency's very devoted

signed: von RIBBENTROP

To His Excellency
the Apostolic Nunzio
Mgr. Cesare ORSENIGO
Berlin

* * * * * * * * * * *

DOCUMENT NO. 3269-PS D
OFFICE OF U.S. CHIEF OF COUNSEL

COPY

20 July 1943

SECRETARIAT OF STATE
OF HIS HOLINESS
- - - - - - - - - - -
No. 4618/43

ANNEX NO. 4

Very Reverend Excellency,

....

Your Excellency is right in saying that the reply of the Minister confirms what you had written to Herr von Ribbentrop himself, namely, that my communication was to be considered as having reached its destination; the letter admits, in fact, that the envelope was opened, that the document was translated, was read by the Secretary of State, representative of the Foreign Minister, and was the subject of special instructions.

This is sufficient to establish for the moment: in view of the seriousness of the facts it is enough to make clear - and now we have the proof- that the attention of the Government of the Reich has been called to them in an official manner by the Holy See.

I profit.....

Signed: L. CARD. MAGLIONE

H1112-0077

To His Most Reverend Excellency
Monsignor Cesare Orsenigo
Apostolic Nuncio
BERLIN

* * * * * * * * *

THE CASE OF REV. RUPERT MAYER, S.J.

Testimony taken by Dr. Edmund A. Walsh, at Munich, 13 October 1945, then reduced to writing and signed by the deponent:

(The deponent, Rupert Mayer, S.J., prefaced his testimony with some preliminary biographical information and begins his statement of conflict with National Socialism on p. 2 of original document).

"My first collision with the Nazi movement was in the spring of 1923 on the occasion of a meeting in the "Bürgerbräukeller with the topic: 'Can a Catholic be a National Socialist?' Since in this meeting, as an exception, a discussion was allowed, I took the floor. When I stepped on the platform, deafening applause arose, which changed to the opposite when I declared in a loud voice: 'A German Catholic can never be a National Socialist.' I was frequently interrupted in my speech and it became so bad that I had to yield the floor. Since the chairman of the meeting feared an attack upon me, I was 'protected' by SA men.

"From then on I frequently warned of the Nazis in sermons and lectures. It is interesting that on 9 November 1923 in Munich many people were incensed at me and declared that Father Mayer has destroyed the movement through his sermons in St. Michael's Church. Of course that was exaggerated, but it is correct that I do not remember ever having met so many hostile glances in Munich as in the days after 9 November 1923.

"In the following years the Hitler Movement no longer appeared especially strong in public. I myself journeyed up and down Upper Bavaria and Suabia and sought to unite the male population and to anchor it in the Catholic faith. Not until 1932 did I again attend a meeting of the Nazi Party in the Zirkus Krone and saw that the enthusiasm had again reached the boiling point.

"After Hitler's rise to power I soon came into conflict with the Nazi regime, especially in the Caritas drive of 1935, in which the Catholic solicitors were fallen upon by the Nazis, beaten and robbed. In 1936 a great agitation set in for the public school. Especially two mass meetings were notable. In the first rally the chairman of the meeting prevented me from speaking, in the second rally I was arrested during the speech and held for the duration of the rally. Since in this meeting, as long as I was still in the hall, very foul epithets were hurled at Cardinal Faulhaber, I complained next day to the police head about it. Of course the complaint was without any success.

"In the fall of 1936 I was summoned before the public prosecutor. He called to my attention that complaints had come in about my sermons: I was concerning myself with politics in the pulpit and that won't do in the state of things today. My utterances were subversive. (Hostile to the State). I was using provocative language. Therefore he had to give me serious warning. In case of repetition I would not get off so easy. I said that I had never been a politician only politically mixed questions can be involved, i.e., questions which interest church and state. I took a position on them only from the religious viewpoint and that was my duty of conscience and I shall continue to do it in the future.

"A short time afterward I was called to the political police who charged that a BDM leader (Bund Deutscher Mädel) had visited me and I was to state what we had discussed together. I said that the girl had come to me as her pastor and I was therefore not in a position to give any information about the interview. They attempted to entrap me: (alleging) the girl had already told everything and if I would not talk, then the girl would have to remain in jail for such length of time. But thereupon I answered, in spite of that I could not change my viewpoint. After that I was able to leave the Police Office again.

H1112 - 0078

"On 5 June 1937 I was arrested for the first time by the Gestapo and taken to the Wittelsbach Palace (the seat of the Gestapo). The reasons for the arrest were sermons which had been attended by Gestapo officials. In the prison I was treated decently. I was interrogated several times. The officials were always correct to me. Cardinal Faulhaber was allowed to visit me once, as well as the President of the Catholic Laborers' Society. On 22 July 1937 the trial against me took place in the Palace of Justice in Munich, in which I was sentenced to a half year's imprisonment. I owed it only to the decisive efforts of Father Provincial Rösch, that I was not arrested immediately again by the Gestapo after the close of the trial. Indeed I was not taken to my dwelling, but to the Rottmann's Heights Retret House on Lake Starnberg and released there. The Gestapo told me through my defense counsel that I was forbidden to continue preaching. Cardinal Faulhaber and my Provincial expressed the same desire to me, fearing that my health was not equal to the rigors, although I remarked that it would be unbearable for me.

"My fears were confirmed after several months. In December 1937 the Father Provincial said that he desired me to preach again. On St. Stephen's Day I preached again for the first time and from then on, again as formerly. On 5 January 1938 at noon the Gestapo came again and asked whether I would preach next day. When I answered that that is a matter of course, I was again arrested and taken into the jail of the Gestapo. After a week I was transferred from here to Stadelheim in order to serve my above mentioned sentence. I remained here only several days and then entered the prison at Landsberg. This was motivated by the statement that I had too good a time in the Stadelheim prison. The treatment in Landsberg was carried out correctly according to the stipulations of the sentence. Since Hitler granted amnesty after the annexation of Austria, which applied also to me, I was again released at the beginning of May 1938.

"Once again the prohibition of public speech (Redeverbot) was now imposed on me by the Gestapo. I did not preach publicly, but I gave lectures several times a week in small groups up to the time of my new arrest on 3 November 1939.

"At the beginning of October 1939 I was interrogated by the Gestapo on account of the then leader of the Royalist Party. I again feared a new arrest, but after the interrogation was again dismissed. On 3 November 1939 there appeared just before 9 A. M. two Gestapo officials at my house (I was just giving religious instruction to a Jewish couple, who wanted to become Catholics). They demanded of me a list of the theologians in the Army. When I refused to give out this index, I was arrested and again taken to the Wittelsbach Palace. The list of theologians was not mentioned there, but they wanted to know who of the Royalist Party had visited me in recent years. I declared that the people had come to me as a priest and that I could not disclose anything about what was said, even under danger of being shot. I had to remain all day in the Gestapo building and not until dusk was it explained to me that I was arrested by order of Minister Wagner. I was taken into the Gestapo prison and again got my old cell. On 23 December 1939 toward 11 P. M., two Gestapo officials appeared and ordered me to come along, I was being taken to Berlin. Actually we traveled the same night by train from Munich to Berlin, where I was delivered to the concentration camp Oranienburg-Sachsenhausen. The behavior of the officials during the trip was correct. Here in Oranienburg I got a single cell assigned to me and never came in contact with the other prisoners. The walls of the jail were very thin so that one could here everything that was going on there. Thus about 8 P.M. I heard prisoners being beaten. How and with what, I do not know. I never heard sounds of pain in that connection. I was treated decently insofar as a convict is (thus) treated, only in the first eight weeks I was completely isolated. I got to see no one of the other prisoners. One day I was called to the chancellery and told that on personal orders of Himmler I might say Mass in my cell. Simultaneously however it was also explained to me that by special order of Himmler for 14 days all favors (such as books, etc.) were withdrawn

H1112-0079

from me. On 27 April 1940 I said the first Mass. I owed this special treatment to the efforts of Cardinal Faulhaber and the Bishop of Berlin.

"On 7 August 1940 I was told that in a half hour I was being taken away, but they didn't say where. At the same time my priest's clothing was brought to me. We went by car to Berlin and from there by fast train to Munich. There to my great surprise I was not taken to the jail but to the Ettal Monastery. After about eight days Prelate Neuhäusler came and told me that by order of the Gestapo:

1) I must not enter in contact with the outside world in any way and that I must not leave the Monastery.
2) That I must limit my correspondence to a minimum.
3) That visitors were admitted only as an exception, and
4) That I must not conduct any Divine Services at which outsiders were present.

"Thus I was now condemned to a living death,—indeed this death was for me, who was full of life, much worse than real death.

"It was only by religious motives that I survived in Ettal, until finally at the beginning of May the hour of liberation struck, due to the marching in of American troops.

Munich, 13.10.45

(signed) RUPERT MAYER, S. J.

Signed in my presence, at
Maxburgstrasse I, Munich, Oct. 13, 1945.

(signed) Edmund A.Walsh

* * * * * * * * * * * * *

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3272-PS

1 December 1945

I, HARRY M. FROHMAN, Interpreter-Translator OCC, X-046322, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the document No. 3272-PS.

HARRY M. FROHMAN,
Interpreter-Translator, OCC
X-046322

TRANSLATION OF DOCUMENT NO. 3273-PS
OFFICE OF U. S. CHIEF OF COUNSEL

PASTOR FREDRICK KAUFMANN, (LUTHERAN)
SALZBURG, AUSTRIA

Personal Report on the Conditions of the Evangelical Church in Austria during National Socialism and Today.

- - - - - - - - - - - - -

Out of the suffering of the people after the World War there had arisen before 1933 a general readiness to help, to work, to sacrifice and to assist one another. From this readiness an unspeakable blessing for the entire nation and its neighbors could have arisen under a righteous, just government. With very clever words this idealism was captured and kept alive by National Socialism, so that a majority of the people up to the last moment did not want to believe what had been done with their noble readiness to cooperate. Moreover a part of the people actually did not know anything of the inhumanities of National Socialism or believed they were bitter necessities of war. So it was among many National Socialists of Austria.

Almost the only places, which from the beginning onwards sensed something (not everything) of the threatening danger, were the Christian Churches, which, warning and helping, attempted to raise their voice. Thereby the church got the reputation among many of not being ready for constructive cooperation and it was severely attacked by leading authorities of National Socialism. The attack was directed from the beginning onwards against the Christian doctrine of a just God over all nations and of a Savior of sinners. They wanted no judge over their own people and no atonement and grace through Christ. The battle of National Socialism was not only against the Church but also against Christ.

The method of combat in Austria was not so gross as in the Old Reich. There were here neither German Christians nor a German Faith Movement nor neo-pagans but only a fight against the "degenerate Church." Primarily the youth was estranged from the Church. Christian schools were closed, the kindergardens of the parishes were withdrawn, youth groups forbidden and religious instructions in public schools slowly made impossible. These measures were executed subtly or by force. Moreover in the schools and kindergardens and in the Hitler Youth, to which all pupils had to belong, a rigorous propaganda against Christianity began. To the children they made Christianity ridiculous with the last century's slogans of rationalism.

Withdrawal from the church (whether Evangelical or Catholic) was promoted under great pressure. Again and again all public officials, employees and laborers, above all the teachers, Party members or their employees under threats and pressure were urged to withdraw. The "training courses" in which many professions had to participate were always directed against Christian faith. Whenever a pastor took a position against one of these speeches or against the many clever attacks in newspapers and periodicals, he and the church were branded as public enemies--tactics which were much more effective and dangerous than arrest or the concentration camp.

Preaching was free but under surveillance. The danger was great of being misunderstood in one's own parish and being regarded as a saboteur, for it was difficult to differentiate between good will to cooperate on the part of the people and evil leadership, - between war needs of the people and the government's violent measures. In war all criticism of the government came to be regarded as treason against the people.

The National Socialist Government went so far as to promise a government job immediately to every pastor who would resign his office and if possible withdraw from the church. The Evangelical church in Austria regarded this possibility as a very desirable purge of its clergy. In reality it preserved through

H1112 - 0081

all hostilities a very great resoluteness in its confession of faith and in its organization. A special need of the Evangelical Church in Austria arose from the prohibition of the Gauleiter against holding Divine Services in schools and public buildings, since in many places they do not possess their own churches and therefore had always used such buildings for their Divine Services. Many buildings and institutions of Christian charity were confiscated and their property seized. The printing of parish papers and Bibles, hymnals, etc. was forbidden as a "war measure." The pastors were excluded from every public council and activity. The church was to die out sadly without protection of law and without replacements.

Today many apostates are returning to the church. After the frightful experiences of the last years, and the severe disappointment of their good will to cooperate, after the unspeakable suffering of the war, which no one can imagine, who did not live in the midst of the people, they are seeking refuge with God and a new beginning in Christ. Since nowhere else in the world does the voice of Love resound, they hear the voice of Divine Love; since the war's wounds are being healed by nobody, they come to the Saviour of souls; all round about (us) those who are homeless and persecuted, who have lost their property and home, seek now a home and security in faith. If Christianity can not help them, many await help only from Bolshevism and every harsh measure helps to destroy receptivity for faith. All uncharitableness and irreconcilability drive the nation, which has suffered so much, toward despair. Now the people are ready for a new beginning and are seeking it in Christ and in his church. And the church must beg for Christ's sake: Let the guilty be punished and the criminals sentenced, but let not the innocent and those who made mistakes be pushed into despair. I was for 11 years in the most difficult service as a Protestant pastor in the South American jungle (my wife is a South American) and then here during the entire war served the poorest, the condemned, prisoners, ill and weeping people, I know the suffering, the misery and hunger--even the hunger for love and the word of God, therefore I must express this request.

The Evangelical Church in Austria is very poor and now has to reconstruct many destroyed churches and parsonages, must take over again the institutions of charity; it needs more helpers for spiritual ministration and religious instruction, it has taken over the church welfare of all Protestant refugees. In the PW camps, the SS camps, among the political detainees it has many new and most earnest parishes. It is now to help, advise, set aright and rebuild with its meagre forces, since there is no other help except Christianity, in a disappointed, embittered and deeply shaken people. Never has a Bible been requested by so many--and we have no Bibles.

The harvest is great and the laborers are few, therefore beg the Lord of harvests that he may send laborers into the harvest--and much love.

(signed) REV. FRIEDRICH KAUFMANN

Salzburg

23 October 1945

Told to me personally, then put in writing, then signed by Pastor Kaufmann on 13 Oct. 1945, Salzburg, Austria.

(signed) EDMUND A WALSH

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CERTIFICATE OF TRANSLATION
OF DOCUMENT 3273-PS

1 December 1945

I, HARRY M. FROHMAN, Interpreter-Translator, OCC, X-046322, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the Document No. 3273-PS.

HARRY M. FROHMAN
Interpreter-Translator, OCC
X-046322

Exhibit USA 570
Filed Jan. 8, 1946

TRANSLATION OF DOCUMENT NO. 3274 -PS
OFFICE OF U. S. CHIEF OF COUNSEL

TO THE CATHOLICS OF AUSTRIA

Translation of Pastoral Letter of Bishops of Austria, read in all Churches, October 14, 1945.

CATHOLICS OF AUSTRIA

Assembled for the first time after the war, the Austrian Bishops regard it as their duty to cast a look at the past, face the future, and direct a Pastoral word to the faithful.

I.
RETROSPECT

A war which has raged terribly and horribly, like none other in past epochs of the history of humanity, is at an end. In sorrow and gratitude we remember the hundred thousands who at the front and at home have fallen as victims of war. At an end also is an intellectual battle, the goal of which was the destruction of Christianity and church among our people; a campaign of lies and treachery against truth and love, against divine and human rights, and against international law. The church cannot be made responsible for this war of destruction; rather did it seek to avert this threatening evil, believing as it did, the promises which were made to it. But these promises and assurances were not only violated, but the church was systematically robbed of rights conferred on it by God Himself and was obstructed in its mission.

In accordance with the Scripture (Zacharias 13:7, Matthew 26:31): "Strike the shepherd and then the sheep will be dispersed", hatred was primarily directed against priests and members of religious orders. Volumes would have to be filled to describe what was done in recent years to priests and members of orders under various pretexts in personal intercourse with them as well as in public, in newspapers and before courts, in prison cells and in concentration camps. Did they not attempt to force the statement from a priest in a responsible position of an Austrian diocese, under repeated cruel blows, that the Pope and the Austrian bishops had demanded betrayal of German military secrets!

Direct hostility to the church was revealed in regulations against orders and monasteries, Catholic schools and institutions, against religious foundations and activities, against the buildings of ecclesiastical houses and institutions; without the least right to defend themselves they were declared enemies of both people and state and their existence destroyed.

Religious instruction and education of children and youth were purposely limited, frequently entirely prevented. They encouraged in every manner all efforts hostile to religion and the church and thus sought to rob the children and youth of our people of the most valuable treasure of holy faith and of true morality born of the Spirit of God. Unfortunately the attempt succeeded in innumerable cases to the permanent damage of yount people.

Spiritual care of souls in churches and ecclesiastical houses, in hospitals and other institutions was seriously obstructed; it was made ineffectual in the Armed Forces and in the

H1112-0083

Labor Service, in the sending of youth to the country and beyond that even in individual families and among numerous persons, to say nothing of the prohibition of spiritual ministration to people of another nationality and of other races.

How often was the Divine Service as such, also sermons, folk missions, communion days, retreats, processions, pilgrimages limited, for the most impossible reasons, and made entirely impossible.

Catholic literature, newspapers, periodicals, church papers, religious writings were stopped, books and libraries destroyed.

What an injustice occurred in the dissolution of many Catholic societies in the destruction of numerous church activities!

Individual Catholic and Christian believers whose religious confession was allegedly free, were spied upon, criticized on account of their belief, scorned on account of their Christian activity. How many loyal officials, teachers, public and private employees, laborers, business men and artisans, indeed even peasants were put under pressure and terror! Many lost their jobs, some were pensioned off, others dismissed without pension, demoted, deprived of their real professional activity. Often enough, such people who remained loyal to their convictions, were discriminated against, condemned to hunger or tortured in concentration camps. Christianity and the church were continually scorned and exposed to hatred.

The apostasy movement found every assistance. Every opportunity was used to induce many to withdraw from the church.

All in all the fight against God, religion and the church revealed itself more and more. No organization in these years was obliged to undergo more sacrifice in its possessions, in its freedom and health, in blood and life itself than the Church of Christ.

When today we recall to memory these grievous events, we do it in reverence first of all for the poor victims of the hatred shown and in gratitude for the unswerving loyalty of thousands. Many died heroically as martyrs; many deserve the honorable title "confessor" which the ancient church conferred on all those who suffered because of their faith, with horror we reject these ideas and deeds hostile both to God and Christ. But we also know that not only the entire German people and even less, the Austrians in their totality, cannot be made responsible for these things. We know that many became adherents of this system hostile to God and the church and succumbed only out of compulsion and pressure. They were blinded by propaganda and therefore in the spirit of strict justice must not be treated or punished on an equality with the ring-leaders, with the obstinate believers and influential advocates of their ideas.

The results of these long years of hostile efforts against God, against religion and the church have not failed to make themselves felt. Human pride, borne out with repulsive boastfulness and full of Satanic hatred gave rise to numerous, ever increasing injustices, accusations and murders, just as it caused the war itself with such accompanying happenings as never before were heard of in the history of the human race. Appalling has been the great suffering, misery, poverty and cruel mortality which because of all that was inflicted not only on our own people but on the peoples of many other countries as well.

H1112 - 0084

H1112-0085

11.

FACING THE FUTURE (Not translated)

(This section deals with the concrete means of restoring peace, order, the rights of conscience and liberty of religion in Austria. It contains no material relevant to war crimes, beyond a reference to the neo-paganism of the Nazi regime.)

Salzburg, on the Feast of St. Mathew, Apostle and Evalgelist, 1945

(signed) The Archbishops and Bishops of Austria,

† Theodore Cardinal Innitzer,
Archbishop of Vienna and Apostolic Administrator of the Burgenland.

† Andrew Rohracker,
Prince Archbishop of Salzburg.

† Ferdinand Pavlikowski,
Prince Bishop of Seckau.

† Michael Memelauer,
Bishop of St. Polten.

† Paul Rusch,
Bishop and Apostolic Administrator of Innsbruck-Feldkirch.

† Joseph Köstner,
Prince Bishop of Gurk.

† Joseph Col. Fliesser,
Bishop and Capitular Vicar of Linz.

- - - - - - -

This Pastoral Letter shall be read in every church at every Divine Service on Sunday, October 14, 1945.

* * * * * * *

I, HARRY M. FROHMAN, intdrpreter-translator, OCC, X-046322, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 3274-PS.

HARRY M. FROHMAN,
Interpreter-Translator,
X-046322.

Exhibit USA-569
Filed Jan. 8, 1946

DOCUMENT NO. 3278-PS

The fighting of Nationalsocialism in the diocese of the Apostolic Administration Innsbruck-Feldkirch, of Tyrol and Vorarlberg

After having seized power Nationalsocialism immediately showed the tendency to exclude Church from Publicity. At "Corpus Christi" in 1938 the customary solemn procession was forbidden. In the Summer of the same year all ecclesiastical schools and kindergartens were disbanded. Daily newspapers and weekly reviews of Christian thinking were likewise removed. In the same year all kind of ecclesiastical organizations especially "Youth organizations such as" Boy Scouts were disbanded, all activity forbidden.

The effect of these prohibitions came soon: The clergy took opposition against them, they could not do otherwise. Then a great wave of priest-arrests followed. About a fifth of them were eventually arrested. Reasons for arrests were:

1. The "Pulpit-paragraph." When Party actions were mentioned or criticized even in the humblest manner.

2. The "practise of the" care of Young people. A specially heavy prohibition was given in November 1939. Children's or Youth's Mass or Services were forbidden. Religion or Faith-lessons were not allowed to be given in the Church except Lessons of preparing for First Communion or Confirmation. Teaching of religion at school was very often forbidden without any reason.

The priest, according to his conscience could not follow this public proscription and this explained the great number of arrests of priests. Finally, priests were arrested on account of their "caritative" work. It was for instance forbidden to given anything to foreigners or prisoners. A priest was arrested because he gave a cup of coffee and bread to two hungry Dutchmen. This "caritative" act was seen to favour elements foreign to the race.

In 1939 and 1940 a new activity began. Cloisters and abbeys were seized, disbanded and many churches belonging to them closed. Among these two nun-convents were disbanded; the cloister of the Dominican-sisters of Bludenz and that of the "Perpetual Adoration" of Innsbruck. In the latter, the Sisters were dragged, one by one, out of the cloister, by the "Gestapo." In the same way ecclesiastical property such as Association-Houses, Parish and Youth-Homes were seized. (A list of these closed churches, disbanded cloisters, and ecclesiastical institutions is attached.

Despite all these measures, the results were not satisfactory. Then priests not only were arrested, but also deported to concentration camps. Eight priests of Tyrol and Vorarlberg have been imprisoned, among them the Provicar Monsignore Dr. Charles Lampert. One died there on account of the ill treatment, the others returned. Provicar Lampert was released but required to remain in Stettin, where later, he was rearrested and executed in November 1944, after having been condemned to death by secret proceedings.

Since 1941 the fight against Christianity and Church shows generally no new phases. On account of the misfortune in warfare, restrictions were eased somewhat, but nothing once ordered has been annulled. The same anti-Christian direction was kept, though moderated,

H1112-0086

H1112 - 0087

DOCUMENT NO. 3278-PS (Cont.):

The especially severe measures against the churches in Tyrol and Vorarlberg were enacted by the Gauleiter Franz Hofer, who derived his authority and protection from Berlin.

(signed) Paulus Rusch,
Bishop.

Innsbruck, June 27th, 1945.

Sworn to before me this 27th day of December 1945, at Innsbruck.

(signed) Leonard Wheeler, Jr.,
Col., GSC
Summary Court Officer

Bishop Rusch, Innsbruck.

L I S T

of the churches, convents, monasteries and ecclesiastical objects of Tyrol and Vorarlberg, seized respectively confiscated, further of the Institutions, confessional schools etc. disbanded:

H1112 - 0088

I. Churches

1. "Court"-Church of Innsbruck, closed.
2. Abbey-Church Wilten in Innsbruck, disbanded and closed.
3. Church of the Rev. Fath. "of Our Lady's Servitors" seized and closed.
4. Church of the Rev. Capuchin Fathers in Innsbruck, seized, closed, inside demolished.
5. Church of the "Perpetual Adoration" in Innsbruck, seized, turned into military establishment, inside demolished.
6. "County-House"-Church, closed and inside demolished.
7. Church of the "Canisianum" of the Rev. Jesuits-Fathers, seized and closed.
8. Pilgrimage-Church with Parsonage on the "Hungerburg" in Innsbruck, seized and sold, but the church remained open.
9. Branch-Church in Wilten-West, in Innsbruck, closed.
10. Church in Mentelberg, near Innsbruck, closed.
11. Church of the Rev. Franciscan-Fathers in Hall, seized, closed, inside demolished.
12. Chapel of the Lunatic-Asylum and feeble-minded in Solbad Hall, closed, the Chaplain-office disbanded.
13. Chapel of the Agriculture-Institution of Rotholz closed, the Chaplain-office disbanded.
14. Chapel of the Agriculture-Institution of Imst closed, Chaplain-office disbanded.
15. Abbey-Church of Fiecht near Schwaz, seized and closed.
16. Pilgrimage-Church of the "Mount of Saint-Georges" seized and closed.
17. Abbey-Church of Stams seized and closed.
18. Abbey Church of Saint Gallus in Bregenz, seized and closed, inside demolished.
19. Abbey-Church Mehrerau in Bregenz, seized, remained although open.
20. Ground to be used of building a church in Wilten-Westend, Innsbruck, seized, built over.
21. Ground to be used of building a church in "Saggen", Innsbruck, seized, built over.
22. Pilgrimage-Church "Maria Waldrast" near Matrei a.Br., seized and closed.
23. Cloister-Church of the Rev. Capuchin-Fathers of Bludenz, seized, closed, inside partly demolished.
24. Convent-Church of the Dominican Sisters of Bludenz, seized, closed, inside partly demolished.
25. The church of Hintertux, being in construction has been destroyed.

NB. Besides the churches and chapels mentioned above, the chapels of the disbanded ecclesiastical Schools, Institutions, etc. have equally been disbanded and closed. Many of them turned into military establishments.

NB. In Innsbruck the following churches have been heavily damaged by bombs:

Saint James' Dean-Church
Church of the Rev. Jesuits-Fathers
Abbey - Church of Wilten
Church of "Our Blessed Lady's Servitors"
Church of the Ursulin-Sisters
Church of the Carmelite-Sisters

H1112 - 0089

Less damaged:

Parish-Church, Pradl.
Parish-Church of the Holy Trinity
Saint John's, Innrain
Parish-Church, Wilten
Parish-Church, Hötting
Parish-Church, Mariahilf.

II. Cloisters, Monasteries, etc.

1. The Abbey of Wilten in Innsbruck with all its goods in Innsbruck, Hlgen Wasser (Igls), Kematen and Lüsens, disbanded and seized.
2. The cloister of the Rev. Jesuit-Fathers in Innsbruck with Zensenhof in Vill, seized.
3. The Cloister of the Rev. Capuchin Fathers in Innsbruck, seized.
4. The Monastery of "Our Ladie's Servitors".
5. The Monastery of the Rev. Fathers of "Our Saviour", forced-hired for the largest part.
6. The Cloister of the Rev. Fathers of Saint Benedict, Innsbruck, seized.
7. Mission-House of the "Mission Priest of the Sacred Heart of Jesus, Innsbruck-Hötting, forcedhired by the greatest part.
8. Mission-House of Saint Joseph's Missionaries in Absam, forced-hired.
9. Cloister of the Rev. Franciscan Fahers, Solbad Hall, seized.
10. Abbey of Fiecht of the Rev. Fathers of the Order of Saint Benedict with all their proprietaries and goods in Fiecht, Sanct Georgenberg etc. seized.
11. Cloister of the Rev. Our Blessed Lady's Servitors" in Volders, seized, respectively forced-hired.
12. Cloister of the Rev. Fathers of Saint Benedict, Volders, seized.
13. Abbey of the Rev. Fathers of Saint Bernard, Stams, with all their estates, seized.
14. Mission-House Fernstein of the Rev. Fathers of Saint Benedict, in Nassereith, seized.
15. Cloister of the Rev. Capuchin-Fathers, Landeck-Perjen, seized.
16. Cloister of the Rev. "Servitors of Our Blessed Lady" Maria Waldrast near Matrei a.Br., seized.
17. Abbey of the Rev. Fathers of Saint Bernard, Mehrerau, Brgenz, seized.
18. Mission-Boarding-House of Saint John-Xaver of the Fathers of the Precious Blood, Feldkirch, seized.
19. College Lochau, near Bregenz of the Rev. Salvatorian Fathers, forced-hired.
20. Cloister of the Rev. Capuchin-Fathers, Bludenz, seized.
21. Convent of the Sisters of "Perpetual Adoration", Innsbruck, seized.
22. Convent of the Dominican-Sisters of Saint Peter, Bludenz, seized.
23. Cloister of the Ursulin-Sisters, Innsbruck, forced-hired for the largest part.
24. Abbey of Saint Gallus, Bregenz, seized.

III. Other ecclesiastical establishments, Associations and "Youth-Homes".

1. Theological Institute "Canisianum" of the Rev. Jesuit Fathers, Innsbruck, with Taxerhof in Ampass, seized.
2. College-Boarding-School of the Rev. Jesuit Fathers, Innsbruck, seized.
3. "Youth-Home" Sieberer, of the Rev. Fathers of Saint Francis of Sales, Innsbruck, seized.
4. Boarding-house of the Rev. Fathers of Saint Benedict, Innsbruck, with typography, publishing-house and Bookseller's shop - seized.
5. Home for Pupils of the Rev. Fathers "Maristes" Innsbruck, Innrain, seized.
6. Orphanage-Asylum for girls with Chapel, Museumstreet, Innsbruck, seized, Chapel destroyed.

7. Marienheim, for young girls studying on the University or working in offices, Innsbruck, Maximilianstreet, seized.
8. "Margaretinum" Household-School and Boardinghouse, Innsbruck-Hötting, seized.
9. Boarding-House "Leopoldinum" of the Rev. Franciscan-Fathers, Solbad Hall, seized.
10. Education-Institute for Boys of the Rev. Capuchin Fathers, Fügen, seized.
11. Boarding-House of the Rev. Capuchin Fathers, Feldkirch, seized.
12. Orphanage-Asylum and Education-Institute for Boys, of the Salesian-Fathers in Jagsberg, seized.
13. Home for religious Retreats, Hall, closed.
14. Home for religious Retreats of the Rev. Jesuit-Fathers, Feldkirch-Tisis closed, disbanded.
15. Boarding-House for Girl of the Franciscan-Sisters, Kronburg near Zams, disbanded.
16. Hospital of the Brothers of Mercy in Kreckelmoos near Reutte, seized.
17. Sanatorium of the Rev. Fathers of Saint Bernard, Mehrerau-Bregenz, seized.
18. Saint-Joseph's Home of the Sisters of Saint Benedict, Grins near Landeck, seized.
19. All "Catholic Youth- or Association-Houses" seized, so as for instance in Innsbruck-Wilten, Innsbruck-St.Nicolaus, Innsbruck-Mariahilf, Innsbruck-Pradl, Innsbruck-Hötting, in Imst, Telfs, Landeck, Inzing, Terrenz, Haiming, Absam, Hall, Mils b/Hall, Wattens, Schwaz, Jenbach, Achental, Ehrwald, Tannheim, etc. etc.
20. The Journeymen-Association-Houses inInnsbruck, Hall, Schwaz, Lienz, etc. seized.
21. The Houses of the Saint Vincenz-Association Saint James, Innsbruck, Kapuziner-street Nos. 19,21,23,25,27,29,31,33,35,37,37a, were seized after the disbanding of the association.
22. All the catholic societies, Associations Unions, Congregations of our Blessed Lady, ecclesiastical alliances and ligues, Confraternities etc., were disbanded and their fortune seized.

IV. Ecclesiastical Institutes, Schools, Institutions, etc.

1. Theological Faculty of the University in Innsbruck, disbanded.
2. Episcopal Seminary in Matrei, disbanded. Paulinum
3. Episcopal "Little" Seminary with College and Boarding-House, Schwaz, disbanded.
4. College and Boarding-Houses of the Rev. Franciscan Fathers, Solbad Hall disbanded.
5. College and Boarding-House of the Rev. Jesuit-Fathers in Feldkirch, called, Stella Matutina, disbanded.
6. College and Boarding-House of the Abbey of Meherau, Bregenz, disbanded.
7. Teacher's Pedagogical-Institute of the Christian-Schools Brothers, Feldkirch, seized and disbanded.
8. Economy-School of the Christian-Schools-Brothers, with Boarding-house in Lienz, disbanded.
9. Trades-Schools with "shops" and workhops of the Rev. Fathers of Saint Benedict, Martinsbühel near Zirl, disbanded.
10. Institute of Saint Bonifacius of the Rev. Salesian-Fathers in Fulpmes Stubai-valley, disbanded, forced-hired.
11. Highschool with Boarding-house of the Rev. Fathers of Saint Benedict, Volders, disbanded and seized.
12. Elementary and High School of the Rev. Fathers of Saint Benedict, Fiecht near Schwaz, disbanded and seized.
13. Teacher's Pedagogical-Institute for Girls of the Sisters of Charity, Zams, disbanded.
14. "Girls-Schools of the Sisters of Charity, Zams, disbanded.
15. Teachers' Pedagogical-Institute for Girls of the Sisters of Charity, Innsbruck, disbanded.

H1112-0090

16. "Girls-Schools of the Sisters of Charity of Innsbruck, disbanded.
17. "Girls-Schools of the Ursulin-Sisters, Innsbruck, disbanded.
18. Girls-Schools of the Sisters of "Visitation" with Boarding-House, Thurnfeld, disbanded.
19. Schools for Girls with Boarding-House of the Schools-Sisters in Pfaffenhofen, disbanded.
20. Schools for Girls of the Franciscan Tertiar-Sisters, Solbad, Hall disbanded.
21. Schools for girls of the Dominican-Sisters, Lienz, disbanded.
22. Schools for girls of the Dominican-Sisters, Altenstadt, disbanded.
23. Schools for girls of the Dominican-Sisters, Thalbach-Bregenz, disbanded.
24. Schools for girls with Boarding-House, Marienberg, Bregenz, disbanded.
25. Schools for girls with Boarding-House, Riedenburg-Bregenz, disbanded.
26. School of Householding, Gauenstein, near Schruns, disbanded.
27. Needle-work School/Industry-School/, Gwiggen, Hohenweiler, disbanded.
28. Orphanage-asylum with elementary and High-School of the Franciscan-Tertiar-Sisters, Schwaz, disbanded.
29. Girl-School with Boarding-House, of the Sisters of Saint Benedic, Scharnitz, disbanded.
30. Girl-School with Boarding-House of Saint Joseph, of the Sisters of the Holy Cross, Feldkirch, disbanded.
31. Girls-Schools with a House of religious Retreats, called "Saint Antony's of the Sisters of the Holy Cross, Feldkirch, disbanded.

N.B. Besides this all, the ecclesiastical teachers of the nun-convents have been removed from all public-schools in the municipalities and communities.

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H1112 - 0091

Exhibit USA 574
Filed Jan. 8, 1946

DOCUMENT No. 3279-PS
OFFICE OF U. S. CHIEF OF COUNSEL

C E R T I F I C A T E

The extract attached herewith and dealing with the "General Conditions and Results of the Persecution", is taken from the text of Charge 17, page 5, par. IV, of the Polish Government against the defendants named in the Indictment before the International Military Tribunal, Subject: "Maltreatment and Persecution of the Catholic Clergy in the incorporated Western Provinces of Poland". It is a true translation into English of the original Polish.

It is submitted herewith to the International Military Tribunal in accordance with Article 21 of the Charter of the Court.

/s/ Dr. Tadeusz Cyprian

Polish Deputy Representative on the United Nations War Crimes Commission in London, signing on behalf of the Polish Government and of the Main Commission for Investigation of German War Crimes in Poland, whose seal I hereby attach.

Nurnberg, the 6th December 1945.

TRANSLATION OF DOCUMENT 3279-PS (B)
OFFICE OF U S CHIEF OF COUNSEL

Extract from: CHARGE NO. 17 submitted by the POLISH GOVERNMENT, ENTITLED:

MALTREATMENT AND PERSECUTION OF THE CATHOLIC CLERGY IN THE WESTERN PROVINCE.

S:5

IV GENERAL CONDITIONS AND RESULTS OF THE PERSECUTION.

11. The general situation of the clergy in the Archdiocese of Poznan in the beginning of April 1940 is summarized in the following words of Cardinal HLOND's second report:

"5 priests shot
27 priests confined in harsh concentration camps at Stutthof and in other camps,
190 priests in prison or in concentration camps at Bruczkow, Chludowo, Goruszki, Kazimierz Biskupi, Lad, Lubin and Puszczykowo,
35 priests seriously ill in consequence of ill-treatment
122 parishes entirely left without priests."

12. In the diocese of Chelmno, where about 650 priests were installed before the war only 3% were allowed to stay, the 97% of them were imprisoned, executed or put into concentration camps.

13. By January 1941 about 700 priests were killed,
3000 were in prison or concentration camps.

INSERT IN
DOC. BOOK
H - SUPPLEMENT

Exhibit USA 567
Filed Jan. 7, 1946

EXCERPT FROM DOCUMENT NO. 3280-PS
OFFICE OF U. S. CHIEF OF COUNSEL

Excerpt of the Papal Encyclical: "Mit Brennender Sorge" on March 14, 1937, Appendix II, p. 524 of "The Persecution of the Catholic Church in the Third Reich", published by Burns Oates & Washbourne Ltd., London, 1942.

"It discloses intrigues which from the beginning had no other aim than a war of extermination. In the furrows in which We had laboured to sow the seeds of true peace, others - like the enemy in Holy Scripture (Matt. xiii. 25) - sowed the tares of suspicion, discord, hatred, calumny, of secret and open fundamental hostility to Christ and His Church, fed from a thousand different sources and making use of every available means. On them and on them alone and on their silent and vocal protectors rests the responsibility that now on the horizon of Germany there is to be seen not the rainbow of peace but the threatening storm-clouds of destructive religious wars."....

....."Anyone who has any sense of truth left in his mind and even a shadow of the feeling of justice left in his heart will have to admit that, in the difficult and eventful years which followed the Concordat, every word and every action of Ours was ruled by loyalty to the terms of the agreement; but also he will have to recognise with surprise and deep disgust that the unwritten law of the other party has been arbitrary misinterpretation of agreements, evasion of agreements, evacuation of the meaning of agreements, and finally more or less open violation of agreements."

H1112 - 0094

Exhibit USA 567
Filed Jan. 7, 1946

EXCERPT FROM DOCUMENT NO. 3280-PS
OFFICE, U.S. CHIEF OF COUNSEL

Excerpt of the Papal Encyclical: "Mit Brennender Sorge" on March 14, 1937, Appendix II, p. 524 of "The Persecution of the Catholic Church in the Third Reich", published by Burns Oates & Washbourne Ltd., London, 1942.

"It discloses intrigues which from the beginning had no other aim than a war of extermination. In the furrows in which We had laboured to sow the seeds of true peace, others - like the enemy in Holy Scripture (Matt. xiii. 25) - sowed the tares of suspicion, discord, hatred, calumny, of secret and open fundamental hostility to Christ and His Church, fed from a thousand different sources and making use of every available means. On them and on them alone and on their silent and vocal protectors rests the responsibility that now on the horizon of Germany there is to be seen not the rainbow of peace but the threatening storm-clouds of destructive religious wars."

H1112 – 0095

Concordat between the Holy See and the German Reich, Reichsgesetzblatt, Part II, p. 679; translation appearing in Appendix I, pages 516-522, incl. of "The Persecution of the Catholic Church in the Third Reich," Burns, Oates and Washbourne, Ltd., London, 1942.

His Holiness Pope Pius XI and the President of the German Reich, moved by a common desire to consolidate and enhance the friendly relations existing between the Holy See and the German Reich, wish to regulate the relations between the Catholic Church and the State for the whole territory of the German Reich in a permanent manner and on a basis acceptable to both parties. They have decided to conclude a solemn agreement, which will supplement the Concordats already concluded with certain individual German states, and will ensure for the remaining States fundamentally uniform treatment of their respective problems.

For this purpose:

His Holiness Pope Pius XI has appointed as his Plenipotentiary His Eminence the Most Reverend Lord Cardinal Eugenio Pacelli, his Secretary of State.

The President of the German Reich has appointed as Plenipotentiary the Vice-Chancellor of the German Reich, Herr Franz von Papen.

Who, having exchanged their respective credentials and found them to be in due and proper form, have agreed to the following articles:

Article 1.-- The German Reich guarantees freedom of profession and public practice of the Catholic religion.

It acknowledges the right of the Catholic Church, within the limit of those laws which are applicable to all, to manage and regulate her own affairs independently, and, within the framework of her own competence, to publish laws and ordinances binding on her members.

Article 2.-- The Concordats concluded with Bavaria (1924), Prussia (1929) and Baden (1932) remain in force, and the rights and privileges of the Catholic Church recognised therein are secured unchanged within the territories of the States concerned. For the remaining States the agreements entered into in the present Concordat come into force in their entirety. These last are also binding for those States named above in so far as they affect matters not regulated by the regional Concordats or are complementary to the settlement already made.

In future, regional Concordats with States of the German Reich will be concluded only with the agreement of the Reich Government.

Article 3.--In order to foster good relations between the Holy See and the German Reich, an Apostolic Nuncio will reside in the capital of the German Reich and an Ambassador of the German Reich at the Holy See, as heretofore.

Article 4.-- In its relations and correspondence with the bishops, clergy and other members of the Catholic Church in Germany, the Holy See enjoys full freedom. The same applies to the bishops and other diocesan officials in their dealings with the faithful in all matters belonging to their pastoral office.

H1112-0096

Instructions, ordinances, Pastoral Letters, official diocesan gazettes, and other enactments regarding the spiritual direction of the faithful issued by the ecclesiastical authorities within the framework of their competence (Art. 1, Sect. 2) may be published without hindrance and brought to the notice of the faithful in the form hitherto usual.

Article 5.--In the exercise of their spiritual activities the clergy enjoy the protection of the State in the same way as State officials. The State will take proceedings in accordance with the general provisions of State law against any outrage offered to the clergy personally or directed against their ecclesiastical character, or any interference with the duties of their office, and in case of need will provide official protection.

Article 6.--Clerics and Religious are freed from any obligation to undertake official offices and such obligations as, according to the provisions of Canon Law, are incompatible with the clerical or religious state. This applies particularly to the office of magistrate, juryman, member of Taxation Committee or member of the Fiscal Tribunal.

Article 7.--The acceptance of an appointment or office in the State, or in any publicly constituted corporation dependent on the State, requires, in the case of the clergy, the nihil obstat of the Diocesan Ordinary of the individual concerned, as well as that of the Ordinary of the place in which the publicly constituted corporation is situated. The nihil obstat may be withdrawn at any time for grave reasons affecting ecclesiastical interests.

Article 8.--The official income of the clergy is immune from distraint to the same extent as is the official salary of officials of the Reich and State.

Article 9.--The clergy may not be required by judicial and other officials to give information concerning matters which have been entrusted to them while exercising the care of souls, and which therefore come within the obligation of pastoral secrecy.

Article 10.--The wearing of clerical dress or of a religious habit on the part of lay folk, or of clerics or religious who have been forbidden to wear them by a final and valid injunction made by the competent ecclesiastical authority and officially communicated to the State authority, is liable to the same penalty on the part of the State as the misuse of military uniform.

Article 11.--The present organisation and demarcation of dioceses of the Catholic Church in the German Reich remains in force. Such rearrangements of a bishopric or of an ecclesiastical province or of other diocesan demarcations as shall seem advisable in the future, so far as they involve changes within the boundaries of a German State, remain subject to the agreement of the Government of the State concerned.

Rearrangements and alterations which extend beyond the boundaries of a German State require the agreement of the Reich Government, to whom it shall be left to secure the consent of the regional Government in question. The same applies to rearrangements or alterations of ecclesiastical Provinces involving several German States. The foregoing conditions do not apply to such ecclesiastical boundaries as are laid down merely in the interests of local pastoral care.

In the case of any territorial reorganisation within the German Reich, the Reich Government will communicate with the Holy See with a view to rearrangement of the organisation and demarcation of dioceses.

H1112 - 0097

Article 12.--Without prejudice to the provisions of Article 11, ecclesiastical offices may be freely constituted and changed, unless the expenditure of State funds is involved. The creation and alteration of parishes shall be carried out according to principles with which the diocesan bishops are agreed, and for which the Reich Government will endeavour to secure uniform treatment as far as possible from the State Governments.

Article 13.--Catholic parishes, parish and diocesan societies, episcopa sees, bishoprics and chapters, religious Orders and Congregations, as well as institutions, foundations and property which are under the administration of ecclesiastical authority, shall retain or acquire respectively legal competence in the civil domain according to the general prescriptions of civil law. They shall remain publicly recognised corporations in so far as they have been such hitherto; similar rights may be granted to the remainder in accordance with those provisions of the law which apply to all.

Article 14.--As a matter of principle the Church retains the right to appoint freely to all Church offices and benefices without the co-operation of the State or of civil communities, in so far as other provisions have not been made in previous Concordats mentioned in Article 2. The regulation made for appointment to the Metropolitan See of Freiburg (the Ecclesiastical Province of the Upper Rhine) is to be duly applied to the two suffragan bishoprics of Rottenburg and Mainz, as well as to the bishopric of Meissen. With regard to Rottenburg and Mainz the same regulation holds for appointments to the Cathedral Chapter, and for the administration of the right of patronage. Furthermore, there is accord on the following points:

1. Catholic clerics who hold an ecclesiastical office in Germany or who exercise pastoral or educational functions must:

(a) Be German citizens.
(b) Have matriculated from a German secondary school.
(c) Have studied philosophy and theology for at least three years at a German State University, a German ecclesiastical college, or a papal college in Rome.

2. The Bull nominating Archbishops, Coadjutors cum jure successionis, or appointing a Praelatus nullius, will not be issued until the name of the appointee has been submitted to the representative of the National Government in the territory concerned, and until it has been ascertained that no objections of a general political nature exist.

By agreement between Church and State, Paragraph 1, sections (a) (b) and (c) may be disregarded or set aside.

Article 15.--Religious Orders and Congregations are not subject to any special restrictions on the part of the State, either as regards their foundation, the erection of their various establishments, their number, the selection of members (save for the special provisions of paragraph 2 of this article), pastoral activity, education, care of the sick and charitable work, or as regards the management of their affairs and the administration of their property.

Religious Superiors whose headquarters are within Germany must be German citizens. Provincials and other Superiors of Orders, whose headquarters lie outside Germany, have the right of visitation of those of their establishments which lie within Germany.

H1112 - 0098

The Holy See will endeavour to ensure that the provincial organisation of conventual establishments within the German Reich shall be such, that, as far as possible, German establishments do not fall under the jurisdiction of foreign provincials. Agreements may be made with the Reich Government in cases where the small number of houses makes a special German province impracticable, or where special grounds exist for the retention of a provincial organisation which is firmly established and has acquired an historic nature.

Article 16.--Before bishops take possession of their dioceses they are to take an oath of fealty either to the Reich Representative of the State concerned, or to the President of the Reich, according to the following formula:

"Before God and on the Holy Gospels I swear and promise, as becomes a bishop, loyalty to the German Reich and to the State of . . . . I swear and promise to honour the legally constituted Government and to cause the clergy of my diocese to honour it. In the performance of my spiritual office and in my solicitude for the welfare and the interests of the German Reich, I will endeavour to avoid all detrimental acts which might endanger it."

Article 17.--The property and other rights of public corporations, institutions, foundations and associations of the Catholic Church regarding their vested interests, are guaranteed according to the common law of the land.

No building dedicated to public worship may be destroyed for any reason whatsoever without the previous consent of the ecclesiastical authorities concerned.

Article 18.--Should it become necessary to abrogate the performance of obligations undertaken by the State towards the Church, whether based on law, agreement or special charter, the Holy See and the Reich will elaborate in amicable agreement the principles according to which the abrogation is to be carried out.

Legitimate traditional rights are to be considered as titles in law.

Such abrogation of obligations must be compensated by an equivalent in favour of the claimant.

Article 19.--Catholic Theological Faculties in State Universities are to be maintained. Their relation to ecclesiastical authorities will be governed by the respective Concordats and by special Protocols attached to the same, and with due regard to the laws of the Church in their regard. The Reich Government will endeavour to secure for all these Catholic Faculties in Germany a uniformity of practical administration corresponding to the general spirit and tenor of the various agreements concerned.

Article 20.--Where other agreements do not exist, the Church has the right to establish theological and philosophical colleges for the training of its clergy, which institutions are to be wholly dependent on the ecclesiastical authorities if no State subsidies are sought.

The establishment, management and administration of theological seminaries and hostels for clerical students, within the limits of the law applicable to all, is exclusively the prerogative of the ecclesiastical authorities.

H1112-0099

Article 21.--Catholic religious instruction in elementary, senior, secondary and vocational schools constitutes a regular portion of the curriculum, and is to be taught in accordance with the principles of the Catholic Church. In religious instruction, special care will be taken to inculcate patriotic, civic and social consciousness and sense of duty in the spirit of the Christian Faith and the moral code, precisely as in the case of other subjects. The syllabus and the selection of textbooks for religious instruction will be arranged by consultative agreement with the ecclesiastical authorities, and these latter have the right to investigate whether pupils are receiving religious instruction in accordance with the teachings and requirements of the Church. Opportunities for such investigation will be agreed upon with the school authorities.

Article 22.--With regard to the appointment of Catholic religious instructors, agreement will be arrived at as a result of mutual consultation on the part of the bishop and the Government of the State concerned. Teachers who have been declared by the bishop unfit for the further exercise of their teaching functions, either on pedagogical grounds or by reason of their moral conduct, may not be employed for religious instruction so long as the obstacle remains .

Article 23.--The retention of Catholic denominational schools and the establishment of new ones, is guaranteed. In all parishes in which parents or guardians request it, Catholic elementary schools will be established, provided that the number of pupils available appears to be sufficient for a school managed and administered in accordance with the standards prescribed by the State, due regard being had to the local conditions of school organisations.

Article 24.--In all Catholic elementary schools only such teachers are to be employed as are members of the Catholic Church, and who guarantee to fulfil the special requirements of a Catholic school.

Within the frame-work of the general professional training of teachers, arrangements will be made which will secure the formation and training of Catholic teachers in accordance with the special requirements of Catholic denominational schools.

Article 25.--Religious Orders and Congregations are entitled to establish and conduct private schools, subject to the general laws and ordinances governing education. In so far as these schools follow the curriculum prescribed for State schools, those attending them acquire the same qualifications as those attending State schools.

The admission of members of religious Orders or Congregations to the teaching office, and their appointment to elementary, secondary or senior schools, are subject to the general conditions applicable to all.

Article 26.--With certain reservations pending a later comprehensive regulation of the marriage laws, it is understood that, apart from cases of critical illness of one member of an engaged couple which does not permit of a postponement, and in cases of great moral emergency (the presence of which must be confirmed by the proper ecclesiastical authority), the ecclesiastical marriage ceremony should precede the civil ceremony. In such cases the pastor is in duty bound to notify the matter immediately at the Registrar's office.

H1112 -0100

Article 27.--The Church will accord provision to the German army for the spiritual guidance of its Catholic officers, personnel and other officials, as well as for the families of the same.

The administration of such pastoral care for the army is to be vested in the army bishop. The latter's ecclesiastical appointment is to be made by the Holy See after contact has been made with the Reich Government in order to select a suitable candidate who is agreeable to both parties.

The ecclesiastical appointment of military chaplains and other military clergy will be made after previous consultations with the appropriate authorities of the Reich by the army bishop. The army bishop may appoint only such chaplains as receive permission from their diocesan bishop to engage on military pastoral work, together with a certificate of suitability. Military chaplains have the rights of parish priests with regard to the troops and other army personnel assigned to them.

Detailed regulations for the organisation of pastoral work by chaplains will be supplied by an Apostolic Brief. Regulations for official aspects of the same work will be drawn up by the Reich Government.

Article 28.--In hospitals, prisons, and similar public institutions the Church is to retain the right of visitation and of holding divine service, subject to the rules of the said institutions. If regular pastoral care is provided for such institutions, and if pastors be appointed as State or other public officials, such appointments will be made by agreement with the ecclesiastical authorities.

Article 29.--Catholic members of a non-German minority living within the Reich, in matters concerning the use of their mother tongue in church services, religious instruction and the conduct of church societies, will be accorded no less favourable treatment than that which is actually and in accordance with law permitted to individuals of German origin and speech living within the boundaries of the corresponding foreign States.

Article 30.--On Sundays and Holy days, special prayers, conforming to the Liturgy, will be offered during the principal Mass for the welfare of the German Reich and its people in all episcopal, parish and conventual churches and chapels of the German Reich.

Article 31.--Those Catholic organisations and societies which pursue exclusively charitable, cultural or religious ends, and, as such, are placed under the ecclesiastical authorities, will be protected in their institutions and activities.

Those Catholic organisations which to their religious, cultural and charitable pursuits add others, such as social or professional interests, even though they may be brought into national organisations, are to enjoy the protection of Article 31, Section 1, provided they guarantee to develop their activities outside all political parties.

It is reserved to the central Government and the German episcopate, in joint agreement, to determine which organisations and associations come within the scope of this article.

In so far as the Reich and its constituent States take charge of sport and other youth organisations, care will be taken that it shall be possible for the members of the same regularly to practise their religious duties on Sundays and feast days, and that they shall not be required to do anything not in harmony with their religious and moral convictions and obligations.

H1112-0101

Article 32.--In view of the special situation existing in Germany, and in view of the guarantee provided through this Concordat of legislation directed to safeguard the rights and privileges of the Roman Catholic Church in the Reich and its component States, the Holy See will prescribe regulations for the exclusion of clergy and members of religious Orders from membership of political parties, and from engaging in work on their behalf.

Article 33.--All matters relating to clerical persons or ecclesiastical affairs, which have not been treated of in the foregoing articles, will be regulated for the ecclesiastical sphere according to current Canon Law.

Should differences of opinion arise regarding the interpretation or execution of any of the articles of this Concordat, the Holy See and the German Reich will reach a friendly solution by mutual agreement.

Article 34.--This Concordat, whose German and Italian texts shall have equal binding force, shall be ratified, and the certificates of ratification shall be exchanged, as soon as possible. It will be in force from the day of such exchange.

In witness hereof, the plenipotentiaries have signed this Concordat.

Signed in two original exemplars, in the Vatican City, July 20th, 1933.

Signed: EUGENIO, CARDINAL PACELLI.

Signed: FRANZ VON PAPEN.

THE SUPPLEMENTARY PROTOCOL.

At the signing of the Concordat concluded today between the Holy See and the German Reich, the undersigned, being regularly thereto empowered, have adjoined the following explanations which form an integral part of the Concordat itself.

In re:

Article 3.--The Apostolic Nuncio to the German Reich, in accordance with the exchange of notes between the Apostolic Nunciature in Berlin and the Reich Foreign Office on the 11th and the 27th of March respectively, shall be the Doyen of the Diplomatic Corps thereto accredited.

Article 13.--It is understood that the Church retains the right to levy Church taxes.

Article 14, Par. 2.--It is understood that when objections of a general political nature exist, they shall be presented within the shortest possible time. If after twenty days such representations have not been made, the Holy See may be justified in assuming that no objections exist to the candidate in question. The names of the persons concerned will be kept confidential until the announcement of the appointment. No right of the State to assert a veto is to be derived from this article.

Article 17.--In so far as public buildings or properties are devoted to ecclesiastical purposes, these are to be retained as before, subject to existing agreements.

Article 19, Par. 2.—This clause is based, at the time of signature of this Concordat, especially on the Apostolic Constitution, Deus Scientarum Dominus of May 24th, 1931, and the Instruction of July 7th, 1932.

Article 20.—Hostels which are administered by the Church in connection with certain Universities and secondary schools, will be recognised, from the point of view of taxation, as essentially ecclesiastical institutions in the proper sense of the word, and as integral parts of diocesan organisation.

Article 24.—In so far as private institutions are able to meet the requirements of the new educational code with regard to the training of teachers, all existing establishments of religious Orders and Congregations will be given due consideration in the accordance of recognitition.

Article 26.—A severe moral emergency is taken to exist when there are insuperable or disproportionately difficult and costly obstacles impeding the procuring of documents necessary for the marriage at the proper time.

Article 27, Par. 1.—Catholic officers, officials and personnel, their families included, do not belong to local parishes, and are not to contribute to their maintenance.

Par. 4.—The publication of the Apostolic Brief will take place after consultation with the Reich Government.

Article 28.—In cases of urgency entry of the clergy is guaranteed at all times.

Article 29.—Since the Reich Government has seen its way to come to an agreement regarding non-German minorities, the Holy See declares—in accordance with the principles it has constantly maintained regarding the right to employ the vernacular in Church services, religious instruction and the conduct of Church societies—that it will bear in mind similar clauses protective of German minorities when establishing Concordats with other countries.

Article 31, Par. 4.—The principles laid down in Article 31, Par. 4, hold good also for the Labour Service.

Article 32.—It is understood that similar provisions regarding activity in Party politics will be introduced by the Reich Government for members of non-Catholic denominations. The conduct, which has been made obligatory for the clergy and members of religious Orders in Germany in virtue of Article 32, does not involve any sort of limitation of official and prescribed preaching and interpretation of the dogmatic and moral teachings and principles of the Church.

Signed: EUGENIO, CARDINAL PACELLI.
Signed: FRANZ VON PAPEN.

At the Vatican City, July 20th, 1933.

H1112-0103

Exhibit U.S.a. 566
Filed Jan. 7, 1946

TRANSLATION OF DOCUMENT NO. 3387-PS
OFFICE OF U. S. CHIEF OF COUNSEL

Excerpt from Hitler's Speech at second meeting of the Reichstag of 1933, on 23 March 1933, asking for the adoption of the Enabling Act, -- as quoted in Voelkischer Beobachter, 24 March 1933, page 1:

"While the Government is determined to carry through the political and moral purging of our public life, it is creating and insuring prerequisites for a truly religious life. The Government sees in both Christian confessions the most important factors for the maintenance of our folkdom. It will respect agreements concluded between them and the States. However, it expects that its work will meet with a similar appreciation. The Government will treat all other denominations with equal objective justice. It can never condone, though, that belonging to a certain denomination or to a certain race might be regarded as a license to commit or tolerate crimes. The Government will devote its care to the sincere living together of Church and State."

CERTIFICATE OF TRANSLATION OF DOCUMENT NO. 3387-PS

19 December 1945

I, Gerhart H. Seger, Civ., D 258957, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt from Document No. 3387-PS.

GERHART H. SEGER,
Civilian,
D 258957.

Part of Ex USA. 566
Filed Jan. 7, 1946

TRANSLATION OF DOCUMENT NO. 3389-PS
OFFICE U. S. CHIEF OF COUNSEL

Official announcement by the Arch-Bishop of Cologne, Cardinal Schulte, in behalf of the Bishops' Conference at Fulda, 28 March 1933, as quoted in Voelkischer Beobachter, 29 March 1933, p. 2:

"The high shepherds of the dioceses of Germany in their dutiful anxiety to keep the Catholic faith pure and to protect the untouchable aims and rights of the Catholic Church have adopted, for profound reasons, during the last years, an oppositional attitude toward the National Socialist movement, through prohibitions and warnings, which was to be in effect as long and as far as those reasons remained valid.

"It now must be recognized that there are official and solemn declarations issued by the highest representative of the Reich government - who at the same time is the authoritarian leader of that movement - which acknowledge the inviolability of the teachings of Catholic faith and the unchangeable tasks and rights of the church, and which expressly assure the full value of the legal pacts concluded between the various German States (Laender) and the church.

"Without lifting the condemnation of certain religious and ethical errors implied in our previous measures, the Episcopate now believes it can entertain the confidence that those prescribed general prohibitions and warnings may not be regarded as necessary any more."

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CERTIFICATE OF TRANSLATION OF DOCUMENT NO. 3389-PS

19 December 1945

I, Gerhart H. Seger, Civ., D 258957, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt from Document No. 3389-PS.

GERHART H. SEGER,
Civilian
D 258957

TRANSLATION OF DOCUMENT 3433-PS
OFFICE OF U S CHIEF OF COUNSEL

Decree concerning the Constitution of the German Evangelical Church. of 14 July 1933

Gesetz ueber die verfassung der Deutschen Evangelischen Kirche. Vom 14 Juli 1933.

1933 REICHSGESETZBLATT, Part I, Page 471

The Reich Cabinet has adopted the following Decree, which is hereby promulgated:

Article 1

A new constitution for the German Evangelical Church is ordained as of 11 July 1933. Together with the Introductory Ordnance it is recognized by the Reich and published in the enclosure.

Article 2

(1) The German Evangelical Church is a Corporation of Public Law of the Reich.

(2) The rights and obligations of the German Evangelical Ecclesiastical League (Deutscher Evangelischer Kirchenbund) are assumed by the German Evangelical Church.

Article 3

Should the competent agencies of a State Church (Landeskirche) refuse to include assessments of the German Evangelical Church in their budget, the appropriate State Government (Landesregierung) will cause the expenditures to be included in the budget upon request of the Reich Cabinet.

Article 4

In the case of formal disciplinary action against church officials.

1. Church Disciplinary Authorities are authorized to administer oaths to witnesses and experts.

2. the Lower Courts (Amtsgerichte) must comply with requests of the Church Disciplinary Authorities for legal assistance.

Article 5

(1) The State Churches (Landeskirchen) federated as the German Evangelical Church will hold new elections on 23 July 1933 for those ecclesiastical agencies which are constituted by direct vote of church members on the basis of current State Church Law.

(2) Where further agencies are to be constituted by indirect vote on the basis of State Church Law, these elections will take place before 31 August 1933.

(3) The Supreme Administrative Authorities of the State Churches are authorized to promulgate by administrative decree the regulations necessary for carrying out the new elections. Electors absent from their local church will be authorized to vote by proxy. Where it is necessary for this purpose, or in order to adhere to the time limits prescribed in this article, deviations from the provisions of Ecclesiastical Law and Church Constitutions concerning the external mechanism of the electoral procedure are permissible.

(4) A Plenipotentiary of the Reich Minister of the Interior will supervise the impartial implementation of the provisions of this chapter.

Article 6

The carrying out of this decree is vested in the Reich Minister of the Interior.

Article 7

This decree becomes effective on the day of its promulgation.

Berlin, 14 July 1933

The Reich Chancellor
Adolf Hitler

The Reich Minister of the Interior
Frick

Enclosure

CONSTITUTION OF THE GERMAN EVANGELICAL CHURCH

At a time in which our German people is experiencing a great historical new era through the grace of God, the German Evangelical Churches are combining to form a united

G E R M A N E V A N G E L I C A L C H U R C H

as continuation and consumation of the unity initiated by the German Evangelical Ecclesiastical League (Deutscher Evangelischer Kirchenbund).

It federates into a solemn league all denominations that stem from the Reformation and stand equally legitimately side by side, and thereby bears witness to: "One Body and One Spirit, One Lord, One Faith, One Baptism, One God and Father of All of Us, who is Above All, and Through All, and In All."

The German Evangelical Church ordains the following Constitution for itself:

SECTION I

Article 1

The inviolable basis of the German Evangelical Church is the Gospel of Jesus Christ as attested to us in Holy Writ, and as made manifest anew in the Confessions of the Reformation. The authority which the Church needs for its mission is thereby determined and delineated.

SECTION II

Article 2

(1) The German Evangelical Church is composed of Churches (State Churches - Landeskirchen).

(2) Churches with related creeds may become affiliated. The nature of the affiliation will be determined by law.

(3) In matters of Dogma and Cult the State Churches remain independent.

(4) The German Evangelical Chruch may issue by law uniform directives to State Churches for their constitutions, insofar as the latter are not based on dogma. It is incumbent upon it to promote and guarantee legal uniformity among the State Churches in the administrative and judicial fields.

(5) Ordination of leading officials in the State Churches will take place after the German Evangelical Church has been consulted.

(6) When assuming office all Church Officials are to be pledged to the Consitution of the German Evangelical Church.

SECTION III

Article 3

(1) The German Evangelical Church regulates all legal aspects pertaining to the German Church.

(2) It settles (ordnet) its relationship to the State.

(3) It determines its position in relationship to other religious communities.

Article 4

(1) The German Evangelical Church aims at equipping and committing German Evangelical Christendom, which is united in it, for the fulfillment of the Divine mission of the Church. On the basis of Holy Writ and the Confessions of the Reformers it is therefore incumbent upon it to strive for a uniform attitude within the Church, and to prescribe goal and direction for ecclesiastical work.

(2) It devotes special solicitude to the German folk (Volkstum), particularly to youth.

(3) It takes under its helpful protection undenominational ecclesiastical work of importance to the entire Church, especially Home and Foreign Missions.

(4) It is incumbent upon it to preserve and strengthen connections with Evangelical Germans abroad.

(5) It cultivates relations to friendly Churches in foreign countries.

SECTION IV

Article V

(1) The Church is headed by the Lutheran Reich Bishop.

(2) The Reich Bishop will be assisted by an Ecclesiastical Council (Geistliches Ministerium).

(3) A German Evangelical National Synod takes part in nominating the leading officials of the Church and in legislation.

(4) Advisory Chapters (Beratende Kammern) guarantee unhampered creative cooperation in the service of the Church to the talents active in German Evangelical Folk (Volkstum).

H1112-0108

Article 6

(1) The Reich Bishop represents the German Evangelical Church.. He is called upon to make visibly manifest the community of church life in the State Churches, and to vouchsafe uniform leadership for the work of the German Evangelical Church. He takes the measures requisite to safeguard the Constitution.

(2) The Reich Bishop will familiarize the members of the Ecclesiastical Council (Geistliches Ministerium) with the functions of their office. He will regularly meet the leading officials of the State Churches for discussion and to take counsel. He will undertake the appointment and dismissal of the officials of the German Evangelical Church.

(3) The Reich Bishop is authorized to officiate at all clerical functions, more especially to preach sermons, to issue proclamations in the name of the German Evangelical Church and to institute Special Penitence and Festival Services.

Insofar as it is a question of preservation and cultivation of a denomination other than his own, this authority will be exercised by the competent member of the Ecclesiastical Council.

4. The Reich Bishop will be assigned a parish (Krichlicken Sprengel).

The official residence of the Reich Bishop for the handling of church administration is in Berlin.

5. The Reich Bishop is installed into his bishopric by the National Synod after nominations have been submitted to the National Synod by the leading officials of the State Churches together with the Ecclesiastical Council.

6. Details will be determined by law.

Article 7.

1. Under the leadership of the Reich Bishop, it is incumbent upon the Ecclesiastical Council to guide the German Evangelical Church and to issue laws.

2. It consists of three clergymen and one legal member. In appointing the clergymen, due consideration is to be accorded to the denominational structure of the German Evangelical Church. In case of necessity the number of members may be increases. The members perform the functions of their office without supervision. They are responsible to the Reich Bishop for the Unity of the Church.

3. It is th special task of the clerical members to strengthen the spiritual ties between the State Churches (Landeskirchen) and the German Evangelical Church, to strengthen the community of members of the same denomination and their relationship of mutual trust to the other elements of the German Evangelical Church.

4. The Members of the Ecclesiastical Council(Geistliches Ministerium) are appointed by the Reich Bishpp. The Clerical members will be suggested to the Reich Bishop by the leading officials of the State Churches (Landeskirchen). The Legal Member of the Administration of the Evangelical Church of the Old Prussian Union (altpreussiasche Union) . The position will be fulled in agreement with the Reich Bishop. The occupants of this position must be qualified for the office or Judge or for the Higher Adminstrative.

5. The Legal member is the Reich Bishop's Deputy in legal matters; he is in charge of the German Evangelical Church Chancery as the supreme ecclesiastical administrative authority.

6. Details will be determined by law.

Article 8.

1. The German Evangelical National Synod consists of sixty members. Two thirds will be delegated by the German Evangelical State Churches (Landeskirchen) from Synods and Church governing Bodies. The erman Evangelical Church will appoint one third from individuals who have conducted themsleves well in the service of the church.

2. Appointment of the members of the National Synod will be determinèd by law. The tenure of offoce for members will be six years.

Whenever theNational Synod is newly constituted, special consideration will be given to the integration of new forces.

3. The National Synod will be convenèd by the Reich Bishop at least once a year. At other times the Reich Bishop shall give due consideration to a request of the National Synod that it be convened. Place and date of the convention will be determined by the Reich Bishop. He will open the synod with Divine Service and will presidè at the initial session until the chairmanship has been agreed upon. The Synod will establish for itself an order for business.

Article 9

1. The advisory Chapters (beratende Kammern) will be called upon by the Ecclesiastical Council (Geistleches Ministerium) for continuous responsible work. They are entitled to render advisory opinions.

2. Members will be appointed by the Reich Bishop in agreement with the Ecclesiastical council.

SECTION V

Article 10.

v Laws of the German Evangelical Church are decided on by the National Synod in collaboration with the Ecclesiastical Council(Geistliches Ministerium), or by the latter alone. They will be signed by the Reich Bishop and promulgated in Legal Gazette of the German Evangelical Church. They will become effective on the fourteenth day after publication in the Legal Gazette, unless a different date has been set.

SECTION VI

Article 11

1. An annual budget will list all receipts and expenditures. It will be determined by law before the beginning of the fiscal year.

2. A law is also requisite for any decision concerning the negotiation of loans or the assumption of obligations on behalf of the German Evangelical Church.

3. Accounts of receipts and expenditures will be rendered to a Budget Committee to be designated by the National Synod. It approved the accounts.

4. The German Evangelical Church raises its funds through assessing the State Churches (Landeskirchen)

SECTION VII

H1112-0111

Article 12

1. The constitution may be amended by law if the provisions concerning Dogma and Cult are not affected thereby. The law must be approved by two thirds of the memvers of the National Synod present, or approved unanimously by the Ecclesiastical Council. (Geistliches Mininsterium).

b2. Approval of the National Synod is required for a law amending the Constitution of the structures or the

executive agencies of the German Evangelical Churche are effected thereb .

Berlin,11 July 1933

On behalf of the Evangelical Church of the Old Prussian Union (altpreussische Union):

JAGER (also on behalf of all Purssian State Churches)(Landeskirchen)

LUDWIG MULLER

D. MINCKLER
D. ERNST STOLTENHOFF
D. ERNST HUNDT.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3334-PS

Dec. 16,1945

I,WILLARD E. SKIDMORE, Lt.(jg) USNR, 391590, hereby certify that I am thoroughly conversant with the German and English languages; and that the above is a true and correct translation of document no. 3334-PS.

WILLARD E. SKIDMORE
Lt (jg) USNR
391590

TRANSLATION OF DOCUMENT 3434-PS
OFFICE OF U S CHIEF OF COUNSEL

H1112-0113

Law concerning procedure for decisions in legal affairs of the Evangelical Church of 26 June 1935

Gesetz ueber das Beschlussverfahren in Rechtsangelegenheiten der Evangelischen Kirche Vom 26 Juni 1935

1935 REICHSGESETZBLATT, Part I, Page 774

The Reich Cabinet has resolved upon the following law which is hereby published:

Para. 1

Should the decision in a civil lawsuit depend upon whether measures taken in the Evangelical State Church (Evangelische Landeskirche) or in the German Evangelical Church (Deutsche Evangelische Kirche) since 1 May 1933 are valid, and should the validity be doubted by a person involved in the case or by the court rendering the decision, then it must defer the case until a resolution has been made by the "Office for Decisions in legal matters of the Evangelical Church" (Paragraphs 2, 3). This is set up in the Reich Ministry of the Interior.

Para. 2

(1) The Office for Decisions decides whether measures specified in Para. 1 are valid or not.

(2) The decision of the Office for Decisions is final and universally binding. It is to be published in the official gazette of the Reich (Reichsanzeiger).

Para. 3

The Office for Decisions may leave the decision up to the court.

Para. 4

The Reich Minister of the Interior publishes the legal and administrative measures necessary for the execution and supplementing of this law.

Para. 5

This law takes effect on 1 July 1935. The Reich Minister of the Interior decides the time of its abrogation.

Berlin, 25 June, 1935.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Reich Minister of the Interior
Frick

H1112-0114

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3434-PS

16 December 1945.

I, WILLARD EVANS SKIDMORE, Lt (jg), USNR, 391590, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document No. 3434-PS.

WILLARD EVANS SKIDMORE
Lt (jg), USNR
391590.

TRANSLATION OF DOCUMENT 3435-PS
OFFICE OF U S CHIEF OF COUNSEL

First ordinance for execution of the law concerning procedure for decisions in legal affairs of the Evangelical Church. of 3 July 1934

Erste Verordnung zur Durchfuehrung des Gesetzes ueber das Beschlussverfahren in Rechtsangelegenheiten der Evangelischen Kirche.
Vom 3 Juli 1935

1935 REICHSGESETZBLATT, Part I, Page 851

On the basis of Para. 4 of the law concerning procedure for decisions in legal affairs of the Evangelical church of 26 June 1935 (Reichsgesetzbl. I., page 774) it is hereby ordained:

Par. 1

(1) The Office for Decisions in legal matters of the Evangelical church makes decisions in a sitting of three members. The president and the associates must possess qualifications for the judgeship or for higher administrative service posts.

(2) The Reich Minister of the Interior appoints the members, including the president, and their alternates.

Para. 2

Following deferment of the case of court officially forwards the documents to the Office for Decisions in the Reich Ministry of the Interior.

Para. 3

(1) The Office for Decisions shall give to the parties in the lawsuit as well as to the State Churches (Landeskirchen) which are involved and to the German Evangelical Church an opportunity to be heard. It can disregard this if it leaves the decision to the court (Par. 3 of the law). It can order oral proceedings to which the parties are summoned. The parties may allow themselves to be represented by lawyers at the proceedings before the Office for Decisions.

(2) The Office for Decisions may on its own authority conduct further inquiries, particularly the interrogation under oath of witnesses and experts, to supplement the documents laid before it.

(3) The prov isions of the rules for civil lawsuits apply, according to their sense, in the summoning of the parties and the production of evidence. The courts as well as the administrative offices of the Reich and the States (Länder) are required to provide legal and official aid to the Office for Decisions.

(4) The Office for Decisions can request information and opinion from the highest state officials (Landesbehörden).

Para. 4

Fees will not be collected for the activity of the Office for Decisions. Witnesses and experts are entitled to recompensation rates established by the rules applying to the lawsuit. Other than that payments are not authorized. Costs arise from the proceedings before the Office for Decisions do not belong to the costs of the lawsuit

H1112-0115

H1112-0116

Berlin, 3 July 1935.

The Reich Minister of the Interior
Frick

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3435-PS

16 December 1945.

I, WILLARD EVANS SKIDMORE, Lt (jg), USNR, 391590, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document No. 3435-PS.

WILLARD EVANS SKIDMORE
Lt (jg), USNR
391590.

TRANSLATION OF DOCUMENT NO. 3436-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Law for the Sefeguarding of the German Evangelical Church
of 24 September 1935

Gesetz zur Sicherung der Deutschen Evangelischen Kirche
Vom 24 September 1935

1935 REICHSGESETZBLATT PART I, PAGE 1178

According to the will of the Evangelical congregation the unification of the State Churches (Landeskirchen) in a German Evangelical Church (Deutsche Evangelische Kirche) has been accomplished and documented in a constitution.

Nevertheless, the Reich Cabinet has been obliged to observe with deep anxiety how a condition has later arisen through a conflict of church groups among and against each other, which destroys the unity of the congregation, prejudices the freedom of faith and conscience of the individual, harms the racial community (Volksgemeinschaft), and exposes it extreme dangers the stability of the Evangelical Church itself.

The Reich Cabinet permeated by the desire to be able to turn over the regulation church which is internally settled, in accordance with its duty as a trustee, and in the knowledge that this task cannot be left to any of the conflicting groups.

To sefeguard the stability of the German Evangelical Church, and to introduce an order which will enable the church to regulate its own questions of faith and creed in complete freedom and calm, has resolved upon the following law, which is hereby published:

The Reich Minister for Church Affairs, in order to reestablish a settled state of affairs in the German Evangelical Church and in the Evangelical State Churches(Landeskirchen), in empowered to issued decreed with the legally binding power. The decrees will be published in the Reichsgesetzblatt.

Munich, 24 September, 1935,

The Fuehrer and Reich Chancellor
Adolf Hitler
Thr Reich Minister for Church Affairs
Kerrl

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3436-PS

Dec. 16,1945

I, WILLARD E. SKIDMORE, Lt.(jg) USNR, 391590, hereby certify that I am thoroughly conversant with the German and English languages; and that the above is a true and correct translation of Document Number 3436-PS.

WILLARD E. SKIDMORE
Lt(jg) USNR
391590

TRANSLATION OF DOCUMENT NO. 3437-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Fifth decree for execution of the Law for the Sefeguarding of the German Evangelical Church of 2, December 1935

Fuenfte Vesordung Zur Durchfuehrung des Gesetes zur Sicherung der Deutschen Evangelischen Kirche Vom 2 December 1935

1935 REICHSGESETZBLATT PART I, PAGE 1370

On the Basis of the Law for the Safeguarding of the German Evangelical Church of 24 September 1935 (Reichsgesetzblatt I Page 1178) it is hereby decreed:

Par 1

1. Insofar as, on the basis of the Law for Safeguarding the German Evangelical Church of 24 September 1935 (Reichsgesetzblatt I, Page 1178) and the executive decrees, organs of church leadership have been formed in the German Evangelical Church and the State Church (Landkirchen), the exercise of church-authoritative (Kirchenregimentlich) and church-official (Kirckenberhoerdlich) powere by church association is not permissible.

2. To the functions not permissible in accordance with paragraph 1 belong particularly the filling of pastorates, the engagement of clerical assistants, the examination and ordaining of candidates of the Evangelical State Churches (Landeskirchen) visitation in church communities, the publishing of the banns, the collection and administration of church dues and assessments the imposition of alms and collections with reference to church community activities such s the summoning of synods.

3. The freedom of religious sermons and the care of the religious community by church associations and groups is not effected.

par 2.

1. The Reich Minister for Church Affairs will announce the churches and church provinces to which the case of para 1, no. 1 applies.

2. Organs of church associations or groups which continue to exercise church authoritative and church official powers in the sphere of the church or church provinces concerned after such an announcement may be dissolved.

par 3.

After this decree becomes effective, the assumption of church authoritative and church official powers by organs of church associations or groups is not permissible. The provisions of Par 2 number 2 applies accordingly.

par 4

This decree takes effect on the day following its publication.

Berlin, 2, December, 1935

The Reich Minister for Church Affairs.
KERRL

H1112-0118

H1112-0119

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3437-PS

Dec. 16, 1945

I, WILLARD E. SKIDMORE, Lt(jg) USNR, 391590, hereby certify that I am thoroughly conversant with the German and English languages; and that the above is a true and correct translation of document no. 3437-PS.

WILLARD E. SKIDMORE
Lt (jg) USNR
391590

TRANSLATION OF DOCUMENT NO. 3439-PS
OFFICE OF U. S. CHIEF OF COUNSEL

1937 REICHSGLSETZBLATT;
PART I, page 697, 30 June 1937

H1112-0120

FUENFZEHNTE VERORDNUNG
ZUR DURCHFULHRUNG DES GLSETZLS ZUR SICHLRUNG
DER DEUTSCHEN EVANGLLISCHEN KIRCHE.
Vom 25. Juni 1937.

FIFTEENTH DECREE
FOR THE LXLCUTION OF THE LAW FOR
SECURITY OF THE GERMAN LVANGLLICAL CHURCH

25 June 1937.

On the basis of the Law for Security of the German Evangelical Church of 24 September 1935, (1935 Reichsgesetzblatt I, p. 1178) for the unification of the laws governing the Finance Departments it is hereby decreed:

Paragraph 1

(1) The Reich Minister for Church Affairs establishes one Finance Department at the Chancery of the German Evangelical Church and at the administration office of each of the German Evangelical provincial churches.

(2) The officials of the general ecclesiastical administration are obliged to accept the revocable charge of honor as chairmen or as members of the Finance Department.

(3) After previous consultation the Finance Department makes its decisions through the chairman.

Paragraph 2

(1) The Finance Department guides the property administration of the church in the district for which it has been established. It represents the church.

(2) The Finance Department sets up the budget and the tax assessment of the church. It determines the manner of raising the tax assessment and supervises the use of the budget funds.

Paragraph 3

(1) The Finance Department is obliged to see to it that a regular administration, corresponding to the public interest is guaranteed, that the utmost thrift is observed, and that state and ecclesiastical regulations are observed by all parties concerned.

(2) The Finance Department is responsible to the state for the proper use of government subsidies allowed for Evangelic - ecclesiastical means, as well as for church tax funds.

Paragraph 4

(1) In the provincial churches the Finance Department exercises ecclesiastical supervision over the administration of property and church funds of the church communities and the church associations. If, in case of refusal or for other reasons, a decision of the competent ecclesiastical organs is not reached or in case these organs

act contrary to ecclesiastical or state order it (the Finance Department--translator) is authorized to exercise their rights itself. The same holds true if it is doubtful or disputed what organs are competent for the administration of the property and the church tax funds.

(2) The right of the Finance Department of property and tax supervision also embraces the authorizations of ratification entrusted to the ecclesiastical supervisory authorities by constitutional documents and Church Laws. If the Finance Department itself looks after the rights of church communities or ecclesiastical associations, its decision at the same time includes the ratification of the ecclesiastical supervisory authorities.

(3) The Finance Department can appoint agents for the execution of regulations it has to set up in church communities and ecclesiastical associations. In the case of sentences two and three under Paragraph 4 (1) above the expenses will be put to the debit of the association or church community.

Paragraph 5

(1) The chairman of the Finance Department can transfer the dispatch of single matters to a member of the Finance Department. In case of temporary inability he can appoint a member as his representative. In case of extended inability the decision of the Reich Minister for Church Affairs is to be obtained.

(2) The officials and employees of the general ecclesiastical administration can be called upon for aid in dispatching the business.

(3) The Finance Department keeps a seal which reads "CHURCH AUTHORITY" with the addition of "FINANCE DEPARTMENT." Statements of the Finance Department are to be signed and sealed by the chairman or his representative.

Paragraph 6

The Finance Department, within the limits of its authorization, can issue legally binding regulations. It can regulate in particular the salaries and allowances (Dienst- und Versorgungsbezuege) of officials of the general ecclesiastical administration, of the clergy, of the officials of the church community, and of the employees.

Paragraph 7

(1) The Finance Department is to stay in close touch with the competent church management.

(2) Regulations and measures of the church management and of the ecclesiastical administration authorities connected with financial operations require the approval of the Finance Department. They are binding on the church only if this approval has been given and made known to all parties concerned.

Paragraph 8

(1) The Finance Department at the Chancery of the German Evangelical Church, through continuous contact with the Finance Departments of the provincial churches, has to see to it that the property administration of the provincial churches will be simplified and made more uniform. In the field of property administration it can issue legally binding rules to regulate the ecclesiastical legal life in its entirety for the domain of the German Evangelical Church or the domain of several provincial churches.

(2) The Finance Department at the Chancery of the German Evangelical Church can inspect the property administration of a

H1112-0121

provincial church, can demand information about it, and can make suggestions as to the management of the property administration.

(3) The Finance Department at the Chancery of the German Evangelical Church can establish an accounting office for the property administration of the German Evangelical Church. The verification of the property administration of the provincial churches can be entrusted to the accounting office.

Paragraph 9

(1) The Finance Department has to inform the Reich Minister for Church Affairs of the financial status.

(2) The approval of the Reich Minister for Church Affairs is necessary for legally binding regulations of a general nature.

(3) The decisions of the Church authorities on fixing the Church tax requires the approval of the Finance Department.

(4) The Finance Departments have to see to it that the regulations issued by the Reich Minister for Church Affairs for the use of government subsidies and of church tax funds are observed.

Paragraph 10

The decree goes into effect on the day following publication. The Reich Minister for Church Affairs decides the time of cancellation. Contrary regulations are void for the duration of this decree.

Berlin, 25 June 1937.

H1112-0122

THE REICH MINISTER

FOR CHURCH AFFAIRS

KERRL.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO.

17 December 1945

I, Harry M. Frohman, interpreter - translator, OCC, X-046322, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the Document No. 3439-PS

HARRY M. FROHMAN
Interpreter - Translator OCC
X-046322

3439-PS

TRNASLATION OF DOCUMENT NO. 3466-PS
OFFICL U. S. CHILF OF COUNSLL

1935 REICHSGESETZBLATT I, page 1029
18 July 1935

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ERLASS UEBER DIE ZUSAMMENFASSUNG
DER ZUSTAENDIGKEITEN DES REICHS
UND PRUSSENS IN KIRCHENANGELEGENHEITEN

Decree to Unite the Competences of
Reich and Prussia in Church Affairs
16 July 1935

The Church Affairs hitherto handled by the Reich and Prussian Ministry of the Interior as well as the Reich and Prussian Ministry for Science, Education, and Training of the Population are transferred to Reich Minister without portfolio Kerrl.

Regarding the execution of this decree the Reich and Prussian Ministers concerned will determine a more specific stipulation.

Berlin, 16 July 1935

THE FUEHRER AND REICH CHANCELLOR
ADOLF HITLER

THE REICH MINISTER FOR SCIENCE, EDUCATION
AND TRAINING OF THE POPULATION
RUST

THE PRUSSIAN MINISTER PRESIDENT
Acting for above
KÖRNER

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3466-PS

19 December 1945

I, Harry M. Frohman, interpreter - translator, OCC, X - 046322, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the Document No. 3466-PS.

HARRY M FROHMAN
Interpreter - Translator,
X - 046322

TRANSLATION OF DOCUMENT 3560-PS
OFFICE OF U S CHIEF OF COUNSEL

1939 REICHSGESETZBLATT, PART 1, PAGE 2042

Decree of the Führer and Reich Chancellor concerning the Organization and Administration of the Eastern Territories, October 8, 1939

SECTION 1. (1) In the process of reorganization of the Eastern Territories the Reich Districts (Gaue) of Western Prussia and Posen shall be incorporated as parts of the German Reich.

(2) The Reich District shall be administered by a Reich Governor (Statthalter).

(3) The Reich Governor in Western Prussia shall have his official residence in Danzig; the Reich Governor in Posen shall have his official residence in Posen.

SECTION 2. (1) The Reich District of Western Prussia shall be subdivided into the government districts of Danzig, Marienwerder, and Bromberg.

(2) The Reich District Posen shall be subdivided into the government districts of Hohensalza, Posen, and Kalisch.

SECTION 3. (1) For the organization of the administration in the Reich districts, the statute concerning the organization of the administration in the Reich District of the Sudetenland (short title "Sudeten Statute") of April 14, 1939 (RGBl. I, p. 780), shall apply unless modified by this decree.

(2) All branches of the administration shall be subject to the jurisdiction of the Reich Governor. The Reich Minister of the Interior shall decide, in agreement with the Reich minister concerned, upon the transfer of special branches of the administration to the existing Reich administrative agencies. Special agencies for counties shall be subject to the jurisdiction of county commissioners (Landräte) until further notice

SECTION 4. By including adjacent territorial parts in the province of Silesia the government district of Kattowitz, and in the province of East-Prussia the government district of Zichenau shall be formed.

SECTION 5. (1) The boundaries of the Administrative Districts (Sections 1, 2, and 4) shall be determined by the Reich Minister of the Interior, in agreement with the Prussian President of the Cabinet, as far as the Administrative boundaries between the recovered territories and the adjacent provinces are concerned.

(2) The Reich Minister of the Interior shall regulate the formation of urban and rural counties insofar as it is required by the reorganization.

SECTION 6. (1) Residents of German blood or of racially related blood shall become German nationals in accordance with further provisions to be issued.

(2) Residents of German origin in these territories shall become German citizens in accordance with the Reich Nationality Code.

SECTION 7. The law heretofore in force shall continue in effect unless incompatible with the fact of incorporation in the German Reich.

SECTION 8. The Reich Minister of the Interior may, by means of general orders, and in agreement with the Reich minister concerned, introduce Reich law and Prussian law.

H1112-0124

H1112-0125

SECTION 9. For the territory of the former Free City of Danzig, the provisions of Sections 3 and 4 of the Law concerning the reunion of the Free City of Danzig with the German Reich of September 1, 1939 (RGBl., I, p. 1547) remain unchanged.

SECTION 10. The Reich Minister of Finance shall arrange, in agreement with the Reich Minister of the Interior, the questions arising from the reorganization in the sphere of the adjustment of finances.

SECTION 11. (1) The Reich Minister of the Interior and the Reich Minister of Finance or the agencies determined by them shall order the financial adjustments required by the reorganization as well as the measures herewith connected.

(2) Dispositions in accordance with (1) shall establish rights and obligations of those concerned and shall effect the transition, the restrictions and the annulment of real rights.

SECTION 12. (1) The Reich Minister of the Interior shall be the official chiefly responsible for the reorganization of the Eastern Territories.

(2) He shall issue the general rules and regulations required for the enforcement and execution of this decree.

SECTION 13. (1) This decree shall take effect as of November 1, 1939.

(2) The Reich Minister of the Interior may, for specified areas, declare the provisions of this decree to be in effect at an earlier date.

Berlin, October 8, 1939.

ADOLF HITLER, Führer and Reich Chancellor
GORING, General Field Marshal, President of the Council of Ministers for the Defense of the Reich
FRICK, Reich Minister of the Interior
R. HESS, Representative of the Führer
DR. LAMMERS, Reich Minister and Chief of the Reich Chancellery

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3560-PS

3 January 1946

I, FREDERICK FERNBROOK, Civilian, 046303, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 3560-PS.

FREDERICK FERNBROOK,
Civilian, 046303

TRANSLATION OF DOCUMENT 3561-PS
OFFICE OF U S CHIEF OF COUNSEL

1939 REICHSGESETZBLATT, PART 1, PAGE 2077

Decree of the Führer and Reich Chancellor concerning the Administration of the Occupied Polish Territories, October 12, 1939

In order to restore and maintain public order and public life in the occupied Polish territories, I decree:

SECTION 1. The territories occupied by German troops shall be subject to the authority of the Governor General of the occupied Polish territories, except in so far as they are incorporated within the German Reich.

SECTION 2. (1) I appoint Reich Minister Dr. Frank as Governor General of the occupied Polish territories.

(2) As Deputy Governor General I appoint Reich Minister Dr. Seyss-Inquart.

SECTION 3. (1) The Governor General shall be directly responsible to me.

(2) All branches of the administration shall be directed by the Governor General.

SECTION 4. The laws at present in force shall remain in force, except in so far as they are in conflict with the taking over of the administration by the German Reich.

SECTION 5. (1) The Cabinet Council for Reich Defense, the Commissioner for the Four-Year Plan, and the Governor General may legislate by decree.

(2) The decrees shall be promulgated in the Verordnungsblatt für die besetzten polnischen Gebiete.

SECTION 6. The Chairman of the Cabinet Council for Reich Defense and Commissioner for the Four-Year Plan, and also the supreme Reich authorities, may make the arrangements required for the planning of German life and the German economic sphere with respect to the territories subject to the authority of the Governor General.

SECTION 7. (1) The cost of administration shall be borne by the occupied territory.

(2) The Governor General shall draft a budget. The budget shall require the approval of the Reich Minister of Finance.

SECTION 8. (1) The central authority for the occupied Polish territories shall be the Reich Minister of the Interior.

(2) The administrative decrees required for the implementing and supplementing of the present decree shall be issued by the Reich Minister of the Interior.

SECTION 9. (1) The present decree shall come into force as soon as and to the extent to which I withdraw the order given to the Commander in Chief of the Army for the exercise of military administration.

H1112-0126

(2) Authority for the exercise of executive power shall be the subject of special provisions.

Berlin, October 12, 1939.

ADOLF HITLER, Führer and Reich Chancellor
GOERRING, Field Marshal General, President of the Council of Ministers for the Defense of the Reich and Commissioner of the Four-Year Plan
FRICK, Minister of the Interior
R. HESS, Deputy of the Führer
KEITEL, Chief of the High Command of the Armed Forces
von Branchitsch, Commander-in-Chief of the Army
von RIBBENTROP, Reich Minister of Foreign Affairs
graf SCHWERIN von KROSIGK, Reich Minister of Finance
DR. LAMMERS, Reich Minister and Chief of the Reich Chancellery.

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H1112-0127

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3561-PS

3 January 1946

I, FREDERICK FERNBROOK, Civilian, 046303, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 3561-PS.

FREDERICK FERNBROOK,
Civilian, 046303

H1112-0128

PARTIAL-TRANSLATION OF DOCUMENT R 103
OFFICE OF U S CHIEF OF COUNSEL

Polish Main Committee
5 Vischer Street
Cracow

Cracow, 17th May 1944

To the
Administration of the General Government,
Main Department Home Administration,
Dept. Population and Welfare,

C r a c o w
13 University Street.

No. Pa 1/724
6699/44

Subject: Situation of the Polish Workers in the Reich

The conditions of life for about 2 millions of Polish male and female workers in the Reich have given rise to difficulties which are to a large extent lowering the will and the power to work of many workers, endangering their health and even their lives, and also having a strong influence on the situation of their families within the General Government, thus even directly affecting the sphere of our own work.

These bad conditions are felt especially by those groups of workers who have been assigned for work in factories and have been lodged in large camps. With regard to workers on the land they only occur for individual cases which are easily dealt with. The conditions have become worse since whole families often with many children were brought into the Reich and, defenceless and unprotected against the outrages of Ukrainian murder gangs, were placed in camps for Eastern workers.

The sanitary and moral effect of the bad conditions is for us too far reaching to be considered with indifference; we beg therefore to draw attention to them and to ask to consider the elimination of these bad conditions.

They concern housing, feeding clothing, care of children and their education, sanitary conditions, and finally separation of families.

Original

Question of housing

First consideration is due to the situation of families who have been inducted into camps for Eastern workers, together with numerous younger and older children ..... Once arrived in the camps they have been deprived of any liberty of movement and are

H1112-0129

being treated as prisoners without any rights. The privileges of voluntary workers, which are due to them, are not granted. Nobody is asked what work he is suited for. Land workers are assigned to factories where they are unused to the work and unable to accomplish as much as they could on the land .... Husband, wife and older children are called to work in factories, the younger children remain without due supervision in the camp areas, behind barbed wire, without any opportunities of exercising in the open air and not subject to any discipline.

The cleanliness of many overcrowded camp rooms is contrary to the most elementary requirements. Often there is no opportunity to obtain warm water for washing, therefore the cleanest parents are unable to maintain even the most primitive standard of hygiene for their children of often even to wash their only set of linen. A consequence of this is the spreading of scabies which cannot be eradicated.

(Next three paragraphs irrelevant.)

Original in page 3

Help in Feeding.

We receive imploring letters from the camps of Eastern workers and their prolific families beseeching us for food. The quantity and quality of camp rations mentioned therein - the so-called fourth grade of rations - is absolutely insufficient to maintain the energies spent in heavy work. 3,5 kg of bread weekly and a thin soup at lunch time, cooked with swedes or other vegetables without any meat or fat, with a meager addition of potatoes now and then is a hunger ration for a heavy worker.

Sometimes punishment consists of starvation which is inflicted e.g. for refusal to wear the badge "East". Such punishment has the result that workers faint at work - (Klosterteich Camp, Gruenheim,Saxony) - The consequence is complete exhaustion, an ailing state of health and tuberculosis. The spreading of tuberculosis among the Polish factory workers is a result of the deficient food rations meted out in the community camps because energy spent in heavy work cannot be replaced.

(Next paragraph irrelevant).

The food and bread fixed for Polish children in the camps are by no means sufficient for building up the substance for growing and developing their organism. In some cases children up to the age of 10 and more are alloted 200 gr. of bread weekly, 200 gr. of butter or margarine and 250 gr. of sugar monthly and nothing else - (Zeititz near Wurzen, Saxony).
Prices in the open market are far too high. The call for help which reaches us, brings to light starvation and hunger, severe stomach and intestinal trouble especially in the case of children resulting from the insufficiency of food which does not take into consideration the needs of children. Proper medical treatment or care for the sick are not available in the mass camps.

Original in page 4

Question of Clothing.

(Describes in some detail the general lack of clothing and of replacement of worn clothing.)

Original page 5

Care of Children

In addition to these bad comditions, there is lack of systematic occupation for and supervision of these hosts of children which affects the life of prolific families in the camps. The children, left to themselves without schooling or religious care, must run wild and grow up illiterate. Idleness in rough surroundings may and will create unwanted results in these children. (Suggestions follow to remedy the situation.) ..... An indication of the awful conditions this may lead to, is given by the fact that in the camps for Eastern workers - (camp for Eastern workers "Waldlust", Post Office Lauf, Pegnitz) there are cases of 8 year old delicate and under nourished children put to forced labor and perishing from such treatment. ....

Sanitary Treatment.

The fact that these bad conditions dangerously affect the state of health and the vitality of the workers is proved by the many cases of tuberculosis found in very young people returning from the Reich to the General Government as unfit for work. Their state of health is usually so bad that recovery is out of the question.

The reason is that a state of exhaustion resulting from overwork and a starvation diet is not recognized as an ailment until the illness betrays itself by high fever and fainting spells.

Although some hostels for unfit workers have been provided as a precautionary measure, one can only go there when recovery may no longer be expected - (Neumarkt in Bavaria). Even there the incurables waste away slowly, and nothing is done even to alleviate the state of the sick by suitable food and mediciness. There are children there with tuberculosis whose cure would not be hopeless, and men in their prime who, if sent home in time to their families in rural districts, might still be able to recover.

Origi-
nal p.

Leave for Sick Persons and for Recreation.

Irrelevant.

Protection of the Community of Families.

"Grave depression is caused among the Eastern workers by the ordinance forbidding marriage among them within the borders of the Reich." ..... (Partly irrelevant)..... "No less suffering is caused by the separation of families when wives and mothers of small children are torn away from their families and sent to the Reich for forced labor.

There are also fathers who occasionally volunteered for labor and who have already been working for four years in the Reich, without ever getting any leave, from whom their own children have been alienated because of their long absence, who often do not even know their own children born after their departure, because they have had no opportunity of visiting their families on leave. .....

Origi-
nal p.
7

Next two paragraphs irrelevant.

Religious Care.

If under these bad conditions there is no moral support such as is normally provided by regular family life, then at least such moral support which the religious feelings of the Polish population require should be maintained and increased. The elmination of religious services, religious practice and religious care from the life of the Polish workers, the prohibition of church attendance at a time when there is a religious service for other people and other measures show a certain contempt for the influence of religious on the feelings and opinions of the workers. ...."

(The remainder is irrelevant.)

(signed) The Polish Central Committee

name illegible
President

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO R-103

18 November 1945

I, ENID M. STANDRING, P/O, 52012, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document R-103.

ENID M. STANDRING
P/O
52012